

1486 b 20

# CASES

AND

## Resolutions

OF

## CASES,

Adjudg'd in the Court  
of KING's BENCH,

CONCERNING

**Settlements and Removals**, from  
the first Year of King George I. to  
the present Reign.

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*Most of them adjudg'd in the Time, when  
Lord Parker sat Chief Justice there.*

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**The Second Edition.**

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In the SAVOY:

Printed by E. and R. NUTT, and R.  
GOSLING, (Assigns of Edw. Sayer, Esq;)   
for W. Meadows, at the Angel in  
Cornhill. MDCCXXIX.





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T H E  
P R E F A C E.

**A** *Treatise concerning Settlements and Removals of poor People, is of uni-versal Concern and Advantage: The Law in Relation thereto is very curious. These following Sheets contain Cases that concern this Subject only; a Treatise hitherto intirely New; Most of them were adjudged during the Time Lord Parker sat Chief Justice in the King's Bench; in whom indeed we find the Beauty of Argument: Methinks there was found in that eloquent Man, an Evisceratio Causæ, a dextrous Piercing and Entering into the Bowels of it; as a*  
A 2 *learned*

## The P R E F A C E.

learned Man of my Profession well observed. How poor People lived before the 43<sup>d</sup> of Queen Elizabeth, we are left in the Dark and at a Loss to know; but the better Opinion is, They liv'd upon the Charity and Benevolence of Religious Houses; upon the Dissolution of Monasteries, a Multitude of poor People rushing in upon the Nation like a mighty Flood, which occasion'd the Making the 43<sup>d</sup> of Queen Elizabeth, that general and beneficial Law. If these following Cases will be of any Service to the Gentlemen that act in the Commission, who serve their Country at their own Expence, and for whom they were particularly designed; the Publisher has his Ends, and the Reader the Profit.



B. R.

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*B. R. Trin. 1710.*

**A** Man rents a House of 10*l.* a Year, the House lies in two Parishes, he is a Parishioner where his Bed is, and where he lodges ; but where a Man has a Shop in one Parish, and lodges in another, he is a Parishioner where he drives his Trade. Paying to the County Bridge gains no Settlement ; for there all the County is liable, and he pays as one of the County, not as an Inhabitant of the Parish or Town where he lives.

*A.* has Land in *B.* but does not inhabit there, he shall be chargeable to the Reparations of the Church, but not to the Buying of Ornaments ; for that shall be levied of the Goods of the Parishioners, and not of the Lands.

*B*

Vide



● *Cases and Resolutions adjudged*  
Vide *Winch. Rep.* 53. and so adjudged  
*per Curiam.* Moor 554.

B. R. Mich. 1710.  
*The Parish of Rudwick and*  
*Cheddingford.*

BY the 3d of *William and Mary*, a  
Servant must be hired a Year, and  
serve that Year to gain a Settlement.

A Servant is hired for Half a Year,  
and after is hired for another Half  
Year, whether that will gain a Set-  
tlement.

Lord *Parker & Curia*: The original  
Contract must be for a Year. If a  
Man hires a Labourer, and gives him  
so much *per Week*, this gains no Set-  
tlement, because he works but six  
Days in a Week. And *per Lord*  
*Parker*, if a Man hires a Servant, and  
bargains with him, that he shall come  
within a Day of *Michaelmas*, and then  
2 says



*in the Court of King's Bench.* 3

says he agreed not for a Year, yet this Contract shall be taken for a Year ; for it is apparent Fraud to evade the Statute. So if a Man lets his Servant go to see his Friends for a Week, or the like, this is no Interruption of the Service.

### *The Parish of Farnham.*

The Act says, A Person to gain a Settlement must rent a Tenement of 10*l. per Annum* ; he rents two Tenements of 5*l. per Annum* each ; and *per Powell*, the Word Tenement is *nomen Collectivum*. Lord Parker : The Design of that Clause was, if a Person was of Ability and Competency to stock Land of 10*l. per Annum*, although they were ten Tenements before, yet as to this Purpose, they are *Quasi* one Tenement ; and so adjudged *per Powel* in another Case that came before him at *Launceston* Assizes.

Hill. 1710-11.

*The Parish of St. Laurence  
and St. Mary's in Rea-  
ding.*

A Man is Warden for the Borough of *Reading*, and lives in a Parish within the Borough, and adjudg'd *per Curiam*; it gained a Settlement.

A Scavenger or Constable gains a Settlement in that Parish where he lives, although his Office is not Parochial, but a Precinct Office, and confined to more Parishes.

Paying to a Scavenger's Rate gains no Settlement; for it must be a Parochial Rate. But Note; It does in *London*: So likewise Paying to the Land-Tax gains a Settlement in *London*.

*The*

*The Parish of Newelm in  
Glocestershire, and Ran-  
com in Oxfordshire.*

A single Man, though not his Family, gains a Settlement by renting a Wind-Mill of 10*l.* *per Annum* ; for a single Person may inhabit and dwell there, which a Man and his Family cannot.

*Pasch. 1711.*

**B**Y the Statute, an unmarried Person, having no Wife nor Child, hires himself for a Year, and lives the Year ; he gains a Settlement.

## *The Parish of Antony and Cardigan.*

A poor Man has a Daughter who is married, and has gained a Settlement elsewhere, hires himself for a Year, and serves the Year ; & *per Curiam*, he is a single Person within the Meaning of the Act, though not expressly within the Letter of the Act.

The Meaning of the Statute was, that he might not bring any consequential Damage to the Parish, which he cannot possibly do here ; and held the Man, notwithstanding he had a Child, gained a Settlement by Virtue of the Service.

*The*



*The Parish of Sedgemore  
and Dulleton.*

A Man rents a Piece of Land of 10*l.* *per Annum*, but no House belonging to it; it gains no Settlement. The Statute says *coming with a Design to settle*, which cannot be here; for how can he be said to inhabit upon Land?

*The Parish of St. John Baptist  
in Peterborough,  
and Spaldin in Lincoln-  
shire.*

*Anne Smith*, a Child of a Year old, was intruded into the Parish of *St. John Baptist*, but born in *Spaldin*. It was said a Child gains no Settlement by being born in a Place, unless he is

8 *Cases and Resolutions adjudged*

a Bastard, or his Father and Mother Vagabonds. Lord *Parker*: You say well; but here it is made good by the subsequent Words *being last settled there.*

Mich. undecimo Q. Anne.

*The Parish of Malden in*  
Essex.

BY Lord *Parker*, where there is a Town Corporate that has Sessions of their own, and the Justices within that Town make an Order there, if the Parties will appeal, they must appeal to the County Sessions, and not to their own Sessions; for then there would be an Appeal *ab eodem ad eundem*, there being, may be, the same Justices sitting, who made the Order.

*The*

*The Parish of Crowland,  
and St. John Baptist in  
Peterborough.*

The Order recites, That *Abraham Clyson* has intruded into *Crowland*, being last legally settled in *St. John Baptist*, having served there one whole Year, with one *John Diplaw*. Object. Not appear upon the Face of the Order, he was hired for a Year. *Curia*: It is said he was last settled there. The Justices need not alledge how he was settled there: And it being said he served a Year, the Law presumes he was hired for a Year; as where an Order is made for the Payment of Servants Wages, the Law presumes it to be for Husbandry Wages, unless the contrary appears.

*Object.* 2. Not said where he is likely to be chargeable, but it was said in the Complaint, likely to be *there* chargeable



able, but not in the Adjudication ; but it was over-ruled : The Law must of Necessity suppose it to be in the same Place.

### Saffron Walden *and* Little Hempstead *in* Essex.

Two Justices make an Order, to which the Parish appeals. The Sessions set aside the Order ; and it was moved by Counsel to quash the Order of Sessions, it not appearing it was upon hearing the Merits ; for the Statute never intended that an Order, defective in Law, should conclude ; and the Sessions have no Authority, unless it came regularly before them : *Adjournatur*.

Hill.



Hill. 1712.

Queen *and* Inhabitants of  
Limehouse.

*John Holland*, a poor Person, complains to the Sessions, that he being a lame Seaman, and reduced to a very low Condition, and obliged to sell Part of his House, yet is charged with Nine Shillings *per Annum* to the Poor, and prays to be relieved of this Charge.

The Sessions make an Order to refer it to two Justices, and they to report it at the next Sessions.

The two Justices make a final Order.

*Mr. Whitaker* objected, The Sessions cannot delegate their Authority. *Curia*: They may make an Order to refer it to two Justices; but then they must report it at the next Sessions, and the Sessions

Sessions must make the Order final :  
 But that Formality not being observ'd  
 here, the Order of the two Justices is  
 ill, and it was quashed. *Vide Stile*  
*154. Mod. Cases 87.*

Hill. 1712.

*The Parish of Smalley in  
 Derbyshire.*

**T**homas Hobbs, his Wife, and three  
 Children, being removed from  
*Horsly* to *Smalley*, they appeal to the  
 Sessions; the Sessions make an Order,  
 reciting that, Whereas it appears  
 to them, upon hearing Counsel on  
 both Sides, that the Boundaries of  
 the Parish came in Question, and that  
 they have no Power to inquire into  
 that Matter. They set aside the Or-  
 der of the two Justices; but the Ses-  
 sions Order was here quashed; for  
*per Curiam*, they have Power to in-  
 quire

*in the Court of King's Bench.* 13

quire into the Boundaries of a Parish,  
concerning Settlements.

Pasch. 1713.

Queen *and* Inhabitants of  
Needham-Market.

THE Order removes a poor Person, upon Complaint of the Overseers and Churchwardens of *Needham-Market*, that one *Sarah Cannum* has intruded herself into *Needham-Market*. And whereas it appears, upon her Oath, she was last settled at *Quintins St. Mary's*; we therefore adjudge accordingly: These are to remove. Mr. *Whitaker*, Object. Not appear, that *Needham-Market* is a Parish, and the Statute expressly says Parish. Lord *Parker*. The Words *Overseers and Churchwardens* are sufficient, and make the Order good. Object. 2. Not said she rented a Tenement under 10*l.*  
per



14 *Cases and Resolutions adjudged*  
*per Annum. Curia*: The Words last le-  
gally settled in *Quintin* do import it,  
for if she had, she could not be re-  
moved. All the Cases are so, and  
this Objection has been several Times  
over-ruled.

## Queen *and* Inhabitants of Gruffam.

The Order sets forth, that *Henry Tate* and his Wife do endeavour to intrude into the Parish of *A.* and are likely to become chargeable. These to remove.

Mr. *Raby*: Here is not a sufficient Complaint nor Authority for the Justices to found this Order upon; for they have no Power to send a Person away by an Order, unless he has actually intruded into the Parish. Mr. *Thompson*: The Order says he is likely to become chargeable; and how can he be so, unless he was actually in the Parish.



*in the Court of King's Bench.* 15

Parish. *Parker*: The Party being Poor is likely to become chargeable, and so is he likely to come into the Parish, he endeavouring so to do, as the Order says; the Words do not import he is actually come into the Parish.

And *per Curiam*, the Order was quashed.

## Queen *and* Inhabitants of Monkfrisborough.

Mr. *Page* moved to quash an Order of Sessions, which ordered, that the Overseers of *Monkfrisborough* should pay to one *Richard Dorset* 2s. per Week for his Maintenance. *Object. 1.* Not said that they had any Money in their Hands. *Object. 2.* Not say that *Richard Dorset* is a Parishioner there. Quashed *Nisi*.

Trin.

Trin. Duodecimo Annæ.  
*The Parish of Langueren  
 and Panteed.*

THE Justices make an Order to remove *Anne Morgan* and her Children, from *Langueren*, upon her Oath, That she was last settled in *Panteed*, her Husband being gone a Soldier. The Sessions quashed the Order; it not being upon the Oath of the Husband: But the Order of Sessions was quashed here, being set forth in the Order, The Husband was beyond Sea. *Ex motione Magistri Probyn.*

*The Parish of Wensfield  
 and Middleton.*

The Order sets forth, That *William Cook*, his Wife and three Children  
 2 have

have intruded themselves into the Parish of *Middleton*, being last settled in *Wensfield*; then it shews how he gained a Settlement, *viz.* That he became an Apprentice to *J. S.* Mr. *Jefferys* objected: First, 'Tis not said by Indenture he became an Apprentice; nor, That he served in that Parish; said he became an Apprentice to one *J. S.* of *Middleton*: Now he may have an Estate in *Middleton*, and write himself of that Place, but live elsewhere. *Curia*: It is not necessary that the Justices should set forth their Reasons: An Adjudication, That he was last settled there, is sufficient; and the Court adjudged accordingly.

## Queen and Wagstaff.

The Order sets forth, Whereas *William Wagstaff* is an Inhabitant and House-keeper in *Newport-Panel*, These are to require him to seal an Inden-

C

ture



ture of Apprenticeship, between him and one *John Norris* a poor Boy, according to the Form of the Statute. *Object.* The Justices have no Authority but in Husbandry. *Curia:* The Order says he is a Person in all Respects qualified, and we will suppose in Husbandry, unless the contrary appears; so in the Case of Wages, the Law presumes it Husbandry Wages *prima Facie*.

## Queen *and* Inhabitants of Rockvill.

Whereas it appears upon the Oath of *Eleanor Jones* Relict of *Edward Jones*, That she and her Daughter *Mary* was last legally settled in *Rockvill*, who are likely to become chargeable, These are to remove. *Puckle Counsel:* Here is no Adjudication, That they are likely to become chargeable. *Curia:* The Words, *Who are likely*

*likely to become chargeable, are always the Words of the Justices. If it had been, That they are likely to become chargeable; then it had been a Recital only, and the Words of the Overseers.*

## *Queen and Inhabitants of Eversly.*

The Order takes Notice, That *Thomas Polter* lately deceas'd, intruded in his Life-time into *Eversly*, and that he was last legally settled in *Hartley*. These to remove *Frances* his Wife, and her three Children to *Hartley*, as being settled there in Right of her Husband. Sir *Peter King*: The Order does not set forth, She has not gain'd a Settlement since elsewhere; for 'tis not a necessary Consequence, That she is now settled where her Husband was, for she might have gain'd a subsequent Settlement elsewhere, especially

C 2

ally now, in Regard her Husband is dead, and it was quash'd *per Cur'*.

### *The Parish of Ashton and Silverston in Northamptonshire.*

A Servant is hired at *A.* for a Year, his Master lives there Half a Year, then lives at *B.* another Half-year: Held the Servant is settled in the last Place, for the Identity of the Service is the same; and the Statute does not tie it down to one Place. If the Master had remov'd to several Places, the last Place where he lives forty Days, gains him a Settlement, agreeable to the Statute of King Charles.

*Parish*



*Parish of Woborn in  
Bucks, and Woking in  
Surrey.*

The Order removes *John Andrews* and his two Sons, one of the Age of twelve Years, another of eight Years. *Sir Peter King* moved to quash the Order, it not saying, The Children had not gain'd a Settlement elsewhere; for 'tis not a necessary Consequence, They are settled where there Father is, They being of Age to gain a Settlement themselves, and to be Apprentices.

*Lord Parker*: Seven Years is the Time allowed and no further; and is a necessary Consequence the Child is settled where the Father is: Quash'd.

## *Parish of Hunfdon and Malondon.*

The Order removes *Henry Waller* and his five Children from *Malondon* to *Hunfdon*, who appeals. The Sessions confirm the Order, reciting, That a Certificate was conclusive only to the Parish where the Person went, and not to a third Place. The Counsel insisted it was not Law, and prayed it might be found specially, which the Justices refused: After two other Justices send him to a third Place. *Curia*: The Justices cannot send him to a third Place, for it would entirely evade the Statute. And *per Lord Parker*, If the Justices give an erroneous Judgment, and Counsel insist to have it found special, and they refuse; a Bill of Exceptions may be sign'd by Counsel, and bring the Matter *nolens volens* into the King's Bench.

*The*

## *The Inhabitants of Woot- en Rivers.*

The Order recited upon Complaint made to us, two of his Majesty's Justices of the Peace: But did not say by the Churchwardens and Overseers, and it was quash'd *per Cur'*. *Object.* by Counsel, 'Tis made good by the Return, where it is said, The Complaint was made by the Churchwardens. *Curia*: The Order is the Record, and not the Return of the *Certiorari*, for the Justices have executed their Authority by signing the Order.



Mich. 1713.

Queen *and* Inhabitants of  
Uplin.

**M**R. *Earl* moved to quash an Order of two Justices, not saying in what County; but note the Clerk of the Peace in the Sessions' Order had laid it in *Somerset*. *Per Cur.* The Clerk of the Peace can't cure a Defect in the original Order.

*2d Object.* Not said they are Justices of the Peace; said *coram A. & B.* Justices of the County, but not of the Peace. *Mr. Gapper:* The Words subsequent, *Quorum unus*, do ascertain they were Justices of the Peace. *Cur.* There is a *Quorum* besides, in Commissions of the Peace: And the Order was quash'd.

Queen

## Queen *and* Inhabitants of Birmingham.

The Order removes *John Grift* and his Family from *Drayton* to *Birmingham*: Whereas it appears by Indenture, *John Grift* was settled in *Birmingham*. *Mr. Thompson*: They ought to have shewn how, for there must be a Service pursuant to the Indenture; but overruled *per Curiam*: Not necessary to shew how.

Mich. 1713.

## Queen *and* Furnese.

THE Justices at their Sessions discharged one *Philip Dallo* from his Master, a Glass-bottle-maker.

It appear'd, There was a Blank left for the Time he was to serve in  
2 the

26 *Cases and Resolutions adjudged*

the Counterpart of the Deed ; but the Article the Apprentice signed was right.

*Sir Peter King* : If the Indenture be right, which the Apprentice sign'd, 'tis sufficient.

*Sir Peter King* : 'Tis for nine Years : The Law allows no such Term.

A Glass-bottle-maker is not one of the Trades mentioned in the Statute ; and it extends but to those according to the Case of the *King versus Gately*. 5 *Mod.* Quash'd, *nisi*.

## Queen *and* Inhabitants of Manchester.

The two Justices make an Order for the Overseers of the Poor to pay 2 s. a Week to *Elizabeth Reddish*. *Mr. Lutwich* : Not say she is poor and impotent ; otherwise the Statute gives them no such Power. *Cur.* The 43<sup>d</sup> of *Elizabeth* does not give them Power,  
er,



er, unless they are upon the Poor Rate. Let them shew Cause.

Mich. 1713.

*The Parish of Dunsfold and  
Winsborough-Green.*

THE Case was this : A Woman marries a *Scotchman* who had gain'd no Settlement in *England* ; but she before her Marriage was settled in *Winsborough*. The Order recites, That whereas *Archibald Player* a *Scotchman*, having gain'd no Settlement in *England*, and is now at *Dunkirk* ; These are to remove her and her Child to *Winsborough*, the Place of her Settlement. *Whitaker* objected ; Not appear the Husband had gain'd no Settlement in *England* or *Wales*, nor that he is out of the Kingdom, can't judicially take Notice of *Dunkirk*.  
Parker :

28 *Cases and Resolutions adjudged*

*Parker* : In all these Orders you must shew, That there is a Repugnancy.

*Cur.* A Foreigner comes into a Parish ; he can't be sent to another : Although a Woman by Marriage follows the Condition of her Husband, yet she shall not be put in a worse Condition : Her Husband is a Parishioner no where in *England* ; must she therefore starve ? and *per Cur.* The Settlement, which she had in her own Right, does still continue notwithstanding the Intermarriage.

*St. Mary Ottery in Devon,  
and St. Mary's in Bristol.*

Two Justices send a Person from *St. Mary Ottery in Devon*, to *St. Mary's in Bristol*, and that he was last settled there, according to their Knowledge. *Mr. Fortescue* objected ; The Order should have said, he was last settled there : An Order is a Judgment,  
which

*in the Court of King's Bench.* 29

which must be certain and positive :  
He might have been settled elsewhere,  
and they not know it. Quash'd *per*  
*Curiam.*

## Shagforth and Northbo- vey in Devon.

Mr. *Cruise* mov'd to quash an Or-  
der, there being no Complaint. Sir  
*Peter King* : The Words of the Order  
are, Upon Hearing the Differences,  
Allegations and Proofs : Whether that  
did not amount to a Complaint. *Cur.*  
Held not ; and so it was quash'd.

*Earl* said ; A Rate, that is of it  
self good, may be quash'd ; where  
it says, It shall be a standing Rate.

Hill.



Hill. 1712.

*The Parish of Royden in  
Essex, and Hoxden in  
Hartfordshire.*

WHEREAS J. S. intruded into  
Royden, and was last settled in  
Hoxden. *Object.* Not said was likely  
to become chargeable; quash'd. 2d.  
We therefore order him to be convey-  
ed to the Town of Hoxden. The  
Word *Town* is not mentioned in the  
Statute, but only *Parish*. *Quere.*

*The Parish of Easton and  
Burcot in Oxon.*

The Sessions confirm the original  
Order: It began thus: Upon hear-  
ing the Appeal of *Burcot*. Mr. *Lech-*  
*mere*: The Parish itself cannot ap-  
peal,

peal, but the Inhabitants ; so it is Nonsense and an Absurdity : But it must be intended the Parishioners, and can have no other Intendment.

### *Evans's Case.*

An Order of Suppression, for keeping an Alehouse. The County of *Flint* was in the Margin, but not in the Body of the Order, and quashed *ex Motione Edm. Northey Mil.* so adjudged in the Case of the Parish of *Downton* ; not appear in what County *Downton* is. *Somerset* in the Margin. *Curia* : It is good in a Civil Action, but not in an Order, which is a Judgment, and must be certain.

*Pasch.*

Pasch. 1711.

*Queen and Rutter.*

BY the Statute of the 5th of Q. Elizabeth, if an Apprentice and Master cannot agree, the Justices then have Cognizance. The Sessions make an Order, that the Master should be discharged from the Apprentice. Sir *James Montague*: Not appear that either the Master or Apprentice was there present, and cited *Saund.* 314. *Hawksworth's Case.* 1 Mod. 287. 2 Vent. 174.

*Parker*: The Master must be there: If the Matter cannot be made up, the Master must enter into a Recognizance to appear the next Sessions; and if he does not, the Recognizance will be estreated.

Pasch.



Pasch. 1711.

Weltham *Magna & parva*  
*in Suffex.*

*J.* S. is likely to become chargeable,  
as we are credibly informed. No  
Adjudication. *Parker*: It is the Be-  
lief of another.

*Trin.* 1711.

**W**Hereas it appears, (not say un-  
to, &c.) ill: Whereas *Marga-*  
*ret West*, with her six Children, has  
intruded, and will become chargeable,  
if permitted to abide. *Branthwaite*:  
This is uncertain: It may be Five or  
Ten Years hence. Quashed.

D

*Trin.*

Trin. 1711.

*Queen and Inhabitants of  
Bradford.*

**W**Hereas J. S. is likely to become chargeable, not say to what Parish. Quashed *per Salk.*

*Parish of Ringwere and  
Petworth in Suffex.*

Whereas J. S. and his three Children, have intruded into *Petworth*, and their last legal Settlement was in *Ringwere*, and are likely to become chargeable. *Moor*: To quash. Not set forth the Ages of their Children. *Shelley*: Not necessary in this Case; for the Order says *they were last legally settled in Ringwere*, and then no Matter what their Ages are. *Cur.* of the same Opinion, and so not quashed.

*Parker*:

*Parker* : I never new a Poors Rate quashed ; if the Rate is not good, it is a meer Nullity, and you are not bound to obey it.

Trin. 1711.

*The Parish of Whidale in  
Hartfordshire.*

*Whitaker* moved to quash an Order. Whereas *J. S.* was settled at *Whidale*, he having lived there for the Space of two Years, as a hired Servant. *Object.* Ought to say he was hired for a Year, and served the Year ; but over-ruled. *Parker* : Settled there as a Servant, sufficient.

*The Parish of Antony and  
Cardigan.*

An Order quashed, because it concluded the Person shall be finally settled there.



*The Parish of St. George's  
in Southwark.*

Whereas Complaint hath been made,  
not said by whom.      Quashed.

*The Parish of Newington.*

Whereas J. S. has intruded into the  
Parish of A. and is likely to become  
chargeable : These are to remove him  
with three Children.      Quashed as to  
the Children ; for they have remov'd  
more than is complained of.

*The Parish of Monkrif-  
borough.*

Two Justices adjudge a poor Per-  
son settled in *Aylesbury*, as being an Ap-  
prentice there : Good *per Parker* ; tho'  
*Darnell*

*in the Court of King's Bench.* 37

*Darnell* objected, It is not actually said he was an Apprentice.

Pasch. 1712.

*The Parish of Mitton*

Whereas upon Complaint of the Churchwardens and Overseers of the Poor, *J. S.* has intruded, and is likely to become chargeable: These to convey; ill. No Adjudication; for the Justices must adjudge themselves. *Ex Motione Herins.*

Pasch. 1712.

*Queen and Inhabitants of Wigtown in Cumberland.*

Whereas *John Luton* is settled in *Wigtown*, and is intruded into the Parish of *A.* These to remove

D 3

him

him and two Children. *Object.* Not say his Children; for they cannot gain a Settlement, by Reason of their Parents, unless said to be theirs. The next Day between the Parish of *Barrow* and *Engleby*, the same Objection was made; but the Court held it too nice a Distinction; must necessarily be intended to be his.

Pasch. 1712.

*Clypton, St. Mary's and Ravistock in Devon.*

THE Order recites, Whereas *John Saunderson* and his Wife are last settled in *Clypton*: These are to order you the Churchwardens of *Clypton* to repair to the Parish of *Ravistock*, and to relieve them being so sick that they cannot be removed. *Curia*: The Justices have no Authority to send for Officers out of another Parish,



rish, but are bound to maintain the Poor as long as they continue with them. And *per Powell*, not Parishioners to be relieved till they are carried to the Parish. Quashed.

## Queen *and* Inhabitants of Brokebank *in* Cumber- land.

Whereas there is a Dispute concerning Purveyors Rates, we order that they be confirmed. *Lutwich*: *Non constat*, what the Word signifies, nor whether it does extend to their Jurisdiction. Quashed.

Trin. 1712.

Queen *and* Inhabitants of  
Eaton *in* Salop.

**W**Hereas two of his Majesty's  
of Peace, Justices left  
out, but it was right in the original  
Order, but left out in the Return of  
the Clerk of the Peace. *Lutwich*  
moves for an Amendment. *Curia*: We  
cannot do it, we can fine the Clerk;  
take out a new *Certiorari*,

Hill. 1713.

Queen *and* Halifax.

**T**HE Sessions make an Order for  
the Father-in-law to pay so much  
*per* Week to his Daughter-in-law.  
*Sir Peter King* objected, Not said he  
is of sufficient Ability. *Parker*: Eve-  
ry

ry Body is supposed, *prima facie*, to be of Ability to maintain himself and Family, but no farther. Quashed.

Suppose she had had three Husbands, Who shall contribute then? Sir *Thomas Powys*: The last Husband's Father.

Hill. 1713.

*Braiton and Usley in Leicestershire.*

THE Justices make an Order which is to continue till Sessions, and then the Sessions make an Order, and both the Orders were quashed. 1. They have no such Power to make an Order, till Sessions. 2. The Sessions making an original Order, is void likewise; both quashed. *Laurence Carter Counsel.*

Trin.



Trin. 1714.

*The Parish of Chesham and  
Great Messington in  
Bucks.*

*Sarah Barns*, Spinster, lives a hired Servant at *Chesham*, a whole Year, after goes and lives with her Father, a Cottager, and is hired for a Year, and her Father is to give her Ten Shillings a Year, and make what Vails and Profits she can. The Justices at Sessions held she was settled at *Chesham*, and that her Hiring with her Father was a fraudulent Hiring, and not within the Meaning of the Act of Parliament.

*Curia econtra* held she was well settled in *Messington*, and that her Father might well hire her.

A Per-

A Person that is a Lodger, yet his  
Servant gains a Settlement, *quod non*  
*fuit negatum.*

## Queen and Inhabitants of Mells.

The Sessions quashed the original  
Order, for Insufficiency, when it was  
good, and the Sessions Order quashed  
here for that Reason. *Ex Motione*  
*Magistri Gapper.*

## *Cases relating to Bastards.*

Mich. undecimo Annæ  
Reginæ.

## *The Parish of Southell and* *Needwell in Southamp-* *ton.*

WHereas a certain Woman was  
brought to Bed of a Female  
Bastard Child in *Needwell*, and after  
dropt

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dropt in *Southell*: These to convey.

Sir *Peter King* obj. Not say who this Woman was.

*Parker*: You must either name her or say you do not know her. As where a Person is indicted for stealing the Goods of a Person unknown, you must aver it to be a Person unknown; but for stealing the Goods of a certain Person, without saying unknown, would be ill; and it was quashed.

Mich. undecimo Annæ  
Reginæ.

*Queen and Knott.*

MR. *Cross* moved to quash an Order of Bastardy. Not said one of the Justices was of the *Quorum*.  
*Parker*: The Statute says, one must be of the *Quorum*.

*Queen*



*in the Court of King's Bench.* 45  
*Queen and Cotton, Pasch. 1712.*  
quashed for the same Objection.

### *Queen and Cash.*

Not said the Child was born in the Parish; and by the Statute, the Justices cannot make an Order to compel a Man to contribute towards the Maintenance of a Bastard Child, but in Case of that Parish where the Child was born. Quashed.

### *Queen and Ridge.*

The Defendant was compelled by the Justices to give Security by Bond. *Parker*: The Justices have no such Authority. If the Party refuses, upon Request, they may bind him over to the Sessions. *Girdler Counsel.*

Queen

*Queen and Jefferys.*

The Woman swears that one Jones got her with Child. A Warrant was given to the Defendant, being Constable, to apprehend him. The Constable lets him escape.

The Justices make an Order for him to pay 3 *l.* towards the Expenses the Parish have been at, and one Shilling *per* Week towards his Maintenance, and the Mother to pay 6 *d.* *per* Week. Now this Order was quashed, as to the Constable; for the Justices have no such Authority; but good, as to the Mother, for they have Power to charge either the Father or Mother. *Ex motione Lechmere and Jefferys.*

Pasch. 1711.

*The Parish of Cuddington.*

**T**O keep the Child until he could gain his Livelihood, ill; for the Incertainty.

2. Not appear the Child was born in the Parish; quashed *per Darnell*.

Pasch 1712.

*Queen and Cripps.*

**T**WO Justices make an Order of Bastardy. The Party appeals; the Justices at Sessions set aside that Order, and make an original Order, and held well, for they have an original Authority. *Croke Car.* 338. 1 *Mod.* 228.

If there is no Appeal, it is conclusive.

*Object.*



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*Object. 2.* Whereas upon the Oath of *Anne Chubb*, it appears the Defendant was the Father, but don't say upon Examination. It may be made behind his Back. *Powell* Justice: We cannot presume Justices will make Orders without Notice; over-ruled.

*Object. 3.* Said the Party appealed at the General Sessions, but not at the next General Sessions, and so have not pursued the Words of the Statute. *Parker*: This is Matter of Fact, and if it were so, the Party should have made the Objection at the Sessions; and he cited a Case which he moved when Counsel. The Parish of *Rugby* in *Leicestershire*. The Order was made the 9th of *July*: The Party appealed the next *Michaelmas* Sessions, so that a Sessions intervened, but over-ruled; and if the Objection had any Weight, it would have prevailed then.

*Object. 4.* The Justices order to pay Forty Shillings for re-imbursing the  
2 Parish

Parish the Charges they have been at, which is before the Order was made, but over-ruled. *Parker*: If I oblige my self to pay 10*l.* at a Day past, that don't vitiate the Bond, but the Money is due presently, and I am obliged to pay it immediately.

## Queen *and* Smith.

Two Justices make an Order for him to pay 40 s. for Money disbursed, but don't say by whom. *Curia*: It is necessarily intended by the Churchwardens.

*Object.* 2. To pay one Shilling a Week till the Child is eight Years old, should be as long as the Child is chargeable; possibly he may gain a Settlement, or a Person may give him an Estate, or the Father may take him.

*Curia:* A remote Possibility: As to the Father's Taking him, he ought to have done it at first; and by the suffering

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fering the Order to be made, it shall be deemed a Refusal in Law: Besides, he shall not be then suffered; he may sell him, or make away with him; as too often happens.

*The Parish of Abingar and  
St. Martha in Surry.*

A Woman big with Child of a Bastard, is removed from *B.* to *C.* she is brought to Bed at *C.* Upon Appeal the Sessions set aside the Order; held the Bastard Child shall be sent to *B.* notwithstanding it was born at *C.* for the Order was compulsory, and they could not help themselves during the Order was in Force.

Pasch.



Pasch. 1711.

*Jane Grey's Case.*

**R**ESolutions of the Court concerning the Birth of a Bastard. If the Officers are carrying a Person by Virtue of an Order of Removal, and she be delivered on the Road *in transitu*, the Bastard shall go with the Mother where she is going, by Virtue of the Order, notwithstanding the Birth.

2. If the Woman had come into the Parish by Privity and Collusion of the adverse Officers, the Bastard gains no Settlement, notwithstanding its Birth.

3. If there be an Order made, and before that Order can be served, the Bastard is born, it gains no Settlement, but shall be sent with the Mother.

Sir R. Raymond: If a Woman big with Child be sent from A. to B. after the Order is quashed, the Bastard shall go back with the Mother; for the Parish was concluded by the Order during it was in Force, and was not capable of sending her before.

Pasch. 1714.

*Queen and Thorn.*

*Object.* 1. Not appear the Child was born in the County.

2. Said the Examination was taken before one or two of us Justices of the Peace. Must be before two.

3. To keep the Female Bastard when it shall be born, so repugnant, how can it be known whether it is a Male or Female, before it is born? But the Court held this last Objection to be but Surplusage; but quashed for the two first Objections.

Hill.

Hill. 1713.

*Cases relating to Settlements.*

THE Inhabitants of *Stokelane* and *Doltin*, the extraparochial Place adjudged.

A Person gains a Settlement in *Stokelane*, after wanders into *Brucum-Lodge*, and lives there as a Covenant Servant, then goes to *Doltin*; the Justices send him to *Stokelane*, adjudging him to be last settled there, having, as they thought, no Authority to send him to *Brucum-Lodge*, it being an extraparochial Place.

*Quer.* 1. If the Statute of the 13th and 14th of K. *Charles* shall be taken generally, or only to those particular Places mentioned in the Statute. Held it extends to all generally, or else all *Wales* would be excluded.



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2. The great Question was concerning the Explanation of this Statute. *Curia*: The Act of 13th and 14th of King *Charles* was designed to give Relief to those Places which were not within the Reach of the 43d of *Elizabeth*, and that the Word *Place* was implied and contained under the Word *Village* and *Township*; and the Justices may exercise the same Power and Authority in those Places as in Villages and Townships, and may send poor Persons to those extra-parochial Places, and appoint Officers upon Complaint made to them.

3. They held the Matter in Dispute was not within the Statute; for the Order says he served in a Place called *Brucum-Lodge*, which is presumed to be a single House: Should have said *Village* or *Township* to bring it within the Act.

If they could send him back to *Stokelane*, having gained no Settlement in *Brucum-Lodge*, held *per Curiam* they might

might ; for the Act intends such Place where he was last legally settled, and on which the Statute can operate.

Mr. *Fortescue*, Counsel. A Man might at Common Law gain a Settlement any where, and could not be removed unless in the Case of Vagrancy. The Statute of 39th of *Elizabeth* is the first Statute that mentions the Word *Settlement*.

The first Day a Man came into a Parish, he was a Stranger, second Day he was a Guest, the third Day he was an Inhabitant, which now a Days is a Parishioner. Before the Dissolution of Monasteries, the Poor was maintained by the Clergy, and out of the Tithes which arose out of the Parish. And at Common Law, a Settlement did imply no more than the House and Home, and Habitation of the Party.

Pasch. 1712.

*The Parish of Ordenham  
and Henden in Mid-  
dlesex.*

A Poor Person hires himself for a Year, and before the Year expires, he marries: If by the Inter-marriage, he is intitled to the Benefit of the Statute to gain a Settlement?

*Powis:* The Word, *Such Person*, in the Act, intends only an unmarried Person at the Time of the Hiring.

*Powell:* A Servant is not restrained from marrying; and *per Curiam*, It gained a Settlement.

*Darnell* cited a Case, which was referred to the Judge of Assise at *Launceston*.

Where a Woman, that had a Bastard, was a single Woman, to gain a Settlement by Virtue of a Hiring for a  
a Year



a Year and Service ; for no Charge can happen to the Parish, the Bastard being settled where it is born.

Mich. 1711.

*Parish of Gayton and Mil-  
wich in Staffordshire.*

*J.* S. being chosen a Parish-clerk by the Parson, and serv'd for several Years, and receives his Fees and Duties. The Question was, If it gain'd a Settlement. *Jefferys* : This is not an annual Office, unless he comes in by the Consent of the Parish ; for at this Rate, the Parson may put him in one Day, and put him out another ; and so bring an infinite Charge upon the Parish. A Parish shall not have a Person thrust upon them *nolens volens*, as in the Case of a Deputy Constable. *Curia* : This is not an Office only, but a Freehold, and a *Mandamus* lies to restore

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restore him, and 'tis a Parish-Office ;  
for he has so much of every Person ;  
and has the Care and Custody of the  
Ornaments of the Church. 1 Lev. 80.  
'Tis true, If he is poor and has a Fa-  
mily, they may remove him ; but, if  
they let him continue a Year, none  
can remove him ; for altho' he came  
in, by the Parson only, yet the Parish  
paying him, 'tis a Consent and Ap-  
probation ; and by this subsequent Act  
of theirs, the Law adjudges him in  
by the Concurrence of the Parish.

*Relating to Overseers and  
Churchwardens.*

*The Inhabitants of Ware,  
and Petit, Executor of  
Tho. Town.*

Upon Complaint of *Thomas Petit*,  
Executor of *Thomas Town*, Overseer  
of

of *Thame*, in the Year 1699, and that he had expended the Sum of sixteen Pounds in the Execution of his Office, and is not yet reimbursed. The Sessions order all Parties concern'd to attend three Justices, and they report it to the next Sessions; who report, that the Sum of sixteen Pounds was actually laid out, and that it has not yet been repaid; and that it ought to be paid to the Executor. The Justices at the Sessions confirm the said Order; which Order was quash'd in *B. R.* For 1<sup>st</sup>, The Overseers are not bound to lay out Money out of their own Pockets; for there is Remedy given by the Statute, *viz.* by weekly Taxation; and no Rate can be made to reimburse them, as it was adjudged in *Townley's* Case some Years ago; where a *Mandamus* went, but upon the Return it was held ill, and quash'd: And the Statute gives no provisional Remedy, but says, If there be any Money left in the Hands of the Overseer, to be transmitted



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transmitted over to the Successor. Besides, in this Case there would be a great Inconvenience; for the Money in this Case has been due thirteen Years ago: And a Person who is now become a Parishioner, would be liable to contribute to a Debt, when perhaps he then liv'd forty Miles off: And by *Powis* Judge, Those ought only to be contributory, who were Livers there the Year before, and none else. Counsel Mr. *Darnell* and Mr. *Fortescue*.

*Mich. undecimo 2. Ann.*

Hill. 1712.

*The Case of the Overseers  
of Ely.*

TWO Justices made an Order to compel the present Churchwarden of *Ely* to pay to the two precedent Ones or their Executors, the Sum of  
40*l.*

*in the Court of King's Bench.* 61

401. Quash'd *per Cur.* Have no such  
Authority, *Ex motione* Miller.

*Concerning Vagrants.*

Mich. 1713. B. R.

*Queen and Inhabitants of  
Whitechapel.*

TWO Justices in *Buckinghamshire*  
reciting, Whereas *Moses Wil-*  
*loughby* and *Joseph Willoughby* were ta-  
ken wandring in *Newport-Panell*; and  
being punished according to the Sta-  
tute, These are to convey them to  
*Great Dalby* in *Leicestershire*, being last  
settled there. Mr. *J. Powis*: 'This  
Order is ill; not said the Place of their  
Birth could be found, for they must  
be sent thither, if that can be found;  
if not, where they were last settled,  
if that can be known; if not, then  
to the Place where they last past thro'  
I unpu-

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unpunished : But note, this Objection was cured ; because the Justices in *Leicestershire* sent them to *Whitechapel* where they were born.

*Parker* : Whether or no, they should not have sent them back to *Newport* ? being sent to them by a wrong Pass.

*Note* ; This Order was quash'd for a Fault in the Caption, Where it was directed to the Overseers and Churchwardens of *Whitechapel* in *London* or *Middlesex* : It not appears in what County 'tis in ; there may be two Parishes of the same Name in both Counties. Quash'd.

Mich.



Mich. 1714.

*Anno primo Georgii Reg'.*

SIR Thomas Parker Chief Justice,  
Sir Littleton Powys, Sir Robert Eyre,  
Sir John Prat, Sir Thomas Powys re-  
mov'd : Sir John Prat first came to  
Court, November 23.

*The Parish of St. Saviours  
and Bromley.*

On an Appeal, the Sessions set a-  
side the Order of the two Justices, for  
Insufficiency. Sir Robert Raymond :  
Should set forth the Cause of the In-  
sufficiency in the Order.

Cur. Not necessary : Admitting it  
is not necessary ; yet here is a mate-  
rial Objection on reading the Order.  
The Order sets forth, Whereas *Jane*  
2 Grey,

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Grey, and her Child, was last settled in *Bromley*: Not said, she was unmarried; for by joining her Child with her, 'tis a strong Presumption, she was; then she should be sent where her Husband was settled; for a Woman cannot gain a Settlement from her Husband, during the Coverture, agreeable to the Case adjudged *Trin.*

3 *Anne.* The Parish of *Sevenokes* in *Kent.* *Anne Christmas*, sent by an Order, being born there of the Body of *J. S.* single Woman, and quash'd; not saying, she was not a Bastard; upon a strong Presumption, she was; although the Child might have been born after the Death of the Father.

*The Case of Christ-church  
Hospital.*

Where an Order was made upon the Parish, to provide for a Child,  
who

who was a Foundling. Set aside ; not averring the Parents were unknown.

*Parker* : These two Cases go upon different Reasons : For where-ever an Order is made upon a particular Reason, as the Birth in the One, and the Foundling in the other Case ; it must appear to be clear and indisputable : But in the Case at Bar, let the Woman be married or not, 'tis all one ; it being expressly said, She was last settled there ; so take her to be married, she has gain'd a Settlement there, in her Husband's Right ; if not married, then in her own Right. The Name of a Man is a good Description of him ; why not in the Case of a Woman ? Besides, this is Matter of Fact, and might be insisted on at Sessions ; 'tis too late now, we must judge upon the Order it self ; in which there is no Absurdity nor Contradiction.



*St. Saviour's and St. Lionell Backchurch.*

A Servant marries within the Year and continues the Year ; held a good Service within the Statute ; for the Statute don't say he shall continue so all the Year ; but say, unmarried at the Time of the Hiring.

*The Parish of Shellingford.  
The latter End of King  
William.*

**M**arrying within the Year a good Cause to turn him away: If he continued, a Settlement.

*The Parish of Ordenham, the same  
Case as the present Case, adjudg'd  
Pasch. 11 Annæ.*

## *The Parish of Edleston in Leicestershire.*

A poor Man hires himself to a Warrener, and lives all the Year into eight Weeks ; during which Time, he lies at a Lodge. 1<sup>st</sup>, Held *per Cur.* That was no Interruption of the Service. 2<sup>dly</sup>, The Statute only intended an Identity of Service *quoad* the Master, not *quoad* the Place ; and therefore where-ever he lived the last forty Days, it is a Settlement within the Fourteenth of King *Charles II.*

## *Pepper Harrow and Fren- cham in Suffex.*

*A.* is hired the 3<sup>d</sup> of *October* to serve till *Michaelmas* following ; and at *Michaelmas*, the Master says, stay two or three Days, and I will pay you.

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The Justices at Sessions adjudge him settled according to the Hiring. The Order being recited specially, and brought up to the King's Bench ; it was moved by Mr. *Bonwick* to quash it ; for that the Justices have erred in Point of Judgment : They having adjudged, That a Man may gain a Settlement, although he does not serve a Year. The Statute expressly says, There must be a Hiring and Service, which is not in this Case, and no Fraud appears upon the Face of the Order, which ought to appear, or else the Court can't adjudge it to be so.

*Mr. Reeve contra.*

At this Rate there would be no such Thing as a Settlement ; every Person would hire a Servant two or three Days after Quarter-day, purely to evade the Statute. The Case of a Copyholder, where, by the Custom, a Tenant may make a Lease for a Year, and he makes a Lease for a Year, within a Day ; and so from  
Year



Year to Year, excepting a Day, as long as he should live; and held a plain Shift to evade a Forfeiture.

*Cur.* The Justices confirming the Order do import a Fraud; and adjudged accordingly.

*St. Saviour's Southwark  
and St. Catharine's.*

*John Floyd* and his Wife live and have gain'd a Settlement in *St. Catharine's*, and have several Children there, which have gain'd no Settlement elsewhere. The Husband dies; the Wife after his Death rents a Tenement of 12 *l.* per *Ann.* The Question was, Whether the Children shall not be sent to her. The Parish of *Cumber and Milton.* *Pasch. 2 Q. Anne.* The Father settled in *A.* after settled in *B.* the Children shall go with him.

**Pasch. 11th of King Wil-**  
**liam.**

**A.** Marries *B.* a Widow: The Children, which she had by her former Husband, shall be sent to her, being under seven Years of Age, and shall continue with her till that Age.

Mr. *Knot* argued, There was no Difference between the Father and Mother, for the one is as liable as the other; they are her Children as well as the Father's, and she is Guardian by Nature, she does communicate an Interest and Right to her Children; they are dependant on her, and participate of her Nature. 'Tis true, This will not hold where a Widow marries; for there she gains a new Settlement in Right of her Husband, and not in her own Right; and the Children in that Case, shall be settled where she was settled before.

The

The Court held there was no Difference between a Father and Mother ; the Mother was as near, and bound as well as the Father to provide for the Children, by the Law of Nature as well as our Law.

*Bonwick* : Suppose the Woman, when a Widow, had hired a Servant ; after marries, and the Servant continues after the Marriage for the Year ; the Servant would have gain'd a Settlement. *Quere de hoc* : For by the Marriage, the Service *quoad* the Woman is determined ; all her Power and Authority being transferred over to her Husband, and she has no Occasion of Servants as she had before : Then how can it be said to be the same Service ; and the Statute says, There must be a Hiring and Service for a Year, which is not here ; the Service being to the Husband by the Inter-marriage, who is a Stranger to the Contract.



Renting 10*l.* per Ann. and forty Days Residence, gains a Settlement :  
*Quod non fuit negatum per Cur.*

## Bishop Mins and Southmorton.

The Order ran thus : *Memorandum*, The Churchwardens complain-  
 ed to us, two of his Majesty's Justices  
 of the Peace, that *Thomas Sloe, Jane*  
 his Wife, and his Daughter have in-  
 truded into your Parish of *Southmor-*  
*ton*, and are become chargeable ; and  
 whereas it appears to us, the Allega-  
 tion is true ; these are to convey.  
 The Sessions confirm the Order, set-  
 ting forth, that *they are likely to be-*  
*come chargeable.* Mr. Fortescue object-  
 ed ; 'Tis said *intruded* ; but not said,  
*contrary to Law*, nor that he did not  
 rent a Tenement of 10*l.* per Annum.  
 Sir R. Raymond : The Word *Intruder*  
 is always taken in a bad Sense ; be-  
 sides,

fides, 'tis said actually *chargeable*; and no Matter how he came then into the Parish; over-ruled.

*2d Object.* And *are chargeable*, the Words of the Justices; and then, there is no Complaint made by the Overseers and Churchwardens: But held well *per Curiam*.

*Parker*: To make it good, we will presume they were the Words of the Churchwardens or the Justices, as it serves to inforce the Order; the Words standing indifferently, and may be taken the Words of the Justices, as well as the Churchwardens, and so *e converso*.

*3d Object.* 'Tis said upon Examination, the Allegation is true in the singular Number; whereas the Complaint was touching three Persons, Father, Mother and Daughter, and so *non constat* to which it refers. *Parker*: 'Tis but one Allegation consisting of two Branches; held well.

The

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The Sessions Order confirms the Order of two Justices, setting forth that the Family is likely to become chargeable ; whereas the original Order says *actually chargeable*, and so cannot be supposed to refer to the same.

*Parker* : To what Purpose will you quash the Sessions Order ; you have lost the Benefit of Appeal. Besides, I hold it to be well, for it is a Recital of the Substance of the original Order.

Spawling



## Spawling and Burnham.

*John Pool* lives a hired Servant at *Spawling* for a Year, after hired by Covenant in *Burnham* for a Year, liv'd there all but three Weeks, when he voluntarily parted from his Master, who deducted three Shillings of his Wages. The Justices adjudge him settled in *Burnham*. The Order being returned up into the King's Bench, it was objected the Justices erred in adjudging him settled in *Burnham*, having not served a Year. Mr. Page : It is said he was a Covenant Servant, which *ex vi Termini* does import by Deed, and then his Going away cannot discharge the Covenant.

*Curia* : Here is no Manner of Fraud expressed, or appearing by a necessary Implication. It is not within the Words of the Act nor the Meaning. Can a Man compel his Servant to  
gain

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gain a Settlement, *nolens volens*; for whose Advantage is it? the Servant's or the Master's. As to the Covenant, that it was by Deed, and so the Service continued, perhaps he might bring Covenant; and as to that Point, the Service continued, but not *quoad* a Settlement, where the Statute saith he must serve for a Year, which is not in this Case. *Vide* 3d and 4th of K. William, cap. 11.

*Parish of Misserden and Painswick.*

*Misserden* sends *Jeremy Hooper*, his Wife and Children to *Painswick*, and the Sessions on the Appeal discharge the Order. Then the same Persons are sent by another Order to *Brimsefield*, as the Place of their Birth. *Brimsefield* appeals, and then the Sessions Order recites the whole Matter of Fact, which is, *Jeremy Hooper* is an

an Apprentice by Deed, to one *J. S.* a *Butcher*, and there is a parol Agreement to live one Fortnight at his Father's House, and another Fortnight at his Master's. The Order takes Notice, he did not live Forty Days at one Time in one Place, but concludes he was settled at *Painswick*, different to the former Sessions Order. Serjeant *Birch* moved to quash the Sessions Order, it being founded on an erroneous Notion, and the Conclusion will not warrant the Premises ; for the Statute says there must be an Inhabitaney as well as an Apprenticeship for forty Days at least. The Court was of Opinion to quash the Sessions Order, and a Rule to shew Cause the first Day of the next Term. *Note ;* It was said a parol Agreement will not do ; the Statute says expressly *by Deed*. The Reason why he would quash the Sessions Order was this, If that be quashed, then the Family would be saddled on *Brimsfeild* on the Account



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Account of their Birth, and cannot appeal again, it being too late.

**Northdipley and Woot-en-underhedge.**

*George Dicks* rents an Alehouse of 5 *l. per Annum*, at *Lady-Day* last for a Year, and in *May* following rents a Piece of Land of 6 *l. per Annum*, from *Lady-Day* last past, but did not occupy it or come into it till *May* following, it being heined up ever since *Lady-Day*; held it for two Months and then ran away.

1. Held it was not necessary the Messuage or Tenement should be rented of one Person; but be it rented of several, yet in him it is but one, and the Statute is satisfied, he being of Ability to be trusted with a Tenement of 10 *l. per Annum*.

2. The Running away did not alter the Case, he being still liable to pay the

the Rent, the Contract still continues ; and living there but forty Days, the Contract being for a Year, it is good. The Statute says *renting a Tenement of 10 l. per Annum*, but does not say for what Time ; as to that it is silent.

*Parker* : If he had took it for a Month, it had not been a Settlement, for there, altho' he pay a Rent proportionable to the Year, yet he is not thought of Ability, or sufficient to be trusted with it for a whole Year. Counsel *Mr. Probyn* and *Mr. Cox*.

## Stoke-Cleming *and* Bury-Pomroy.

*A.* is an Apprentice to *J. S.* who is a settled Inhabitant, and has a Piece of Land in *Cleming*, but goes after to *Pomroy*, where he has no Settlement, but the Apprentice lived there the Residue of his Time ; and if he gained a Settlement was the  
Question :

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Question : The Court inclinable he had. *Adjournatur.*

**Milbrook and St. John's  
in Southampton.**

A Person is removed from *Milbrook* to *St. John's* by an Order bearing Date 12th Day of *February*, and they appeal the *Trinity* Sessions. Now Mr. *Cross* moved to quash the Order, there appearing to be an intervening Sessions, and so not within the Act of Parliament.

*Parker & Curia* : You cannot take this Objection now it is Matter of Fact, and perhaps the Order was not served till after the Sessions : Should have made this Objection then ; it is too late to make it now. Not quashed.

*The*



*The Parish of Uppoterce  
and Dunswell in Devon.*

A Woman is settled in *Dunswell*, after marries with a Person who is a Runnegate, and has gained no Settlement, as appears, any where else, comes into the Parish of *Uppoterce*, and dies, and upon his Death-bed he declares he was born in *Wincanton*; two Justices send his Wife to *Dunswell*, where she was settled before the Marriage.

*Curia*: Where it appears the Husband in his Life-time has no legal Settlement as can be found, there the Marriage shall not put her in a worse Condition than she was before, and is all one, as the Case of a *Scotchman* and a Foreigner, and she shall not lose her former Settlement.

2. Although her Husband was born in *Wincanton*, and may be settled there, yet his Wife cannot be settled nor

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sent thither, she never having been in that Place : As where a Man has Land in a Parish, yet if he does not actually enter upon it, and continues for some little Space of Time, he cannot be sent thither by an Order ; for how can he be said to be settled in a Place where he never was ; so here altho' the Husband might have been settled in *Wincanton* for ought appears, yet his Wife having never been there, she cannot be sent thither by a Parity of Reason. Then Mr. *Fortescue* objected to the Order, Whereas it is said upon hearing the Differences of the Parish, not said upon Complaint. *Curia* : It does amount to a Complaint.

2. Said the Place of his legal Settlement; not said last legal Settlement. *Curia* : It is well, for legal Settlement does import as much ; for how can it be said he was legally settled there, unless he was last settled there.

Linton

Linton Episcopi *and*  
South Morton.

The Justices make an Order, and adjudge the Family to be settled in such a Parish; after at the Bottom of the Parchment it began thus; *Whereas upon Complaint that such an one has intruded, These are to remove,* and the Justices Names put to the Order. Now it was objected this was a void Order, there being no Justices Names at the first Part, and although it was at the End of the Order, yet the last Part did contain no Adjudication. *Curia:* It is well, it being upon a Piece of Parchment, and so refers to the Whole.



Hill. 1714.

*The King and Painton.*

THE Statute of 20 Car. 2. c. 6. sect. 6. relating to Land settled in Feoffees to repair the Highway. The Order sets forth the Feoffees made a Lease of it for 17 l. *per Annum*. Then there comes another Order setting forth the Land was let under Value, and that the Feoffees were negligent in their Parts; and farther Order that *Painton* should deliver up the Lease. The Court were of Opinion it might be set aside, but there must be Fraud and Contrivance set forth in the Order, that the Tenant had Notice of it, or was privy to it, and took it with such a Design, or otherwise it cannot. *Vide Moor Rep.* 560.

*The*

*The Parish of Mifforden  
and Painswick, ante.*

*A.* is bound Apprentice, and Covenants between the Master and Apprentice, that one Quarter of the Year he shall live with his Father, the other with his Master, but did not live forty Days at a Time. *Object.* A parol Agreement cannot avoid a Deed: It is no Defeasance, here is no Fraud alleged to evade a Settlement. *Curia:* It is said he never served for forty Days at a Time. *Prat Ch. Just.* Tho' a parol Agreement cannot discharge the Deed, yet it is sufficient Evidence to prove a Fraud; but not living forty Days at a Time, held no Settlement.

*Pasch. An. Primo Geo. Reg'.*  
D'nus Rex ver. Gully.

An Order upon the 43d of *Eliz.* for maintaining of poor Children by their Parents.

It appearing that *Sarah Gully*, Daughter of *William Gully* of *Okild-Burrel*, is in a poor destitute Condition, and wants Relief: These to require the Father to give her 2s. per Week till farther Order.

*Glide Counsel*: They have not pursued the Words of the Act, which says, *Must be Impotent, and not able to work.* She may be so out of Laziness, and yet able to work if she would, and so not within the Meaning of the Act.

2. Said till farther Order, which is ill; for she may have a small Estate left her in the mean Time, or may be able to gain her Livelihood,  
and



*in the Court of King's Bench.* 87

and it would be hard to inforce her Father to keep her when she can keep herself; and no new Order can be made till the next Sessions.

3. Not said to whom the Money is to be paid. It is to pay to the Overseers, but not said of what Parish: Besides, the Court will take it to be a Vill *prima facie*, unless the contrary appears.

Quashed, but principally for the first Objection.

## Holywell *and* St. Peter's *in* Oxford.

By the 12th of Queen Anne, A Person that comes into any Parish who is a Certificate Man, his Servant nor his Apprentice shall not gain a Settlement.

A Certificate Man lives a Servant a Quarter of a Year before the Act was made, and held not within the

Act, but that he gained a Settlement,  
*Quod nota.*

*The Parish of Gassington  
 in Oxon, and St. Tri-  
 nity in London.*

A Certificate Man goes in *Gassington*, and is elected Tithingman, serves the whole Year, but was not sworn into the Office till Half a Year after, The Order was drawn up specially, and brought into the King's Bench, but it was quashed for Want of Form; but the Court were of Opinion, as to the Merits, that the Man gained a Settlement in *Gassington*, all Settlements being expounded favourably, liberally, and most beneficially for poor People. *Note*; The Act says legally admitted into any annual Office.

## *The Parish of Camberwell.*

To quash a Poor's Rate, the Parties aggrieved appealed to the Sessions, the Sessions make an Order to levy the Money on Account of the Rate, according to the Land-Tax; it was moved by Mr. *Darnell* to quash it, because Persons that do not pay to the Land-Tax, yet contribute to the Poor's Rate, as Persons who have a considerable Sum of Money. Quashed *per Curiam*.

*Trin. 1716.*

A Woman is in *Hereford* Gaol for Felony, is brought to Bed of a Bastard, but it is settled in the Parish of *B.* The Justices supposing the Bastard to be settled where born, and to be the Child of the County, make



make an Order directed to the Treasurer of the County, to maintain her.

*Quere*, If the Order is maintainable, and if the Bastard is not settled in that Parish where the Gaol is. *Curia advisare vult.*

*Parker Ch. Justice*: An Appeal from an Order of two Justices in Relation to Bastardy, is not properly an Appeal, but a Defeasance of the Recognisance; for the Recognisance is to appear at the Sessions, and abide such Order as the Sessions shall make; and if they make none, then to abide the former Order.

Mich. 1716.

*The Parish of St. Giles's and St. Margaret's.*

*S*arah Elkrington was settled in St. Giles's, and marries an *Irishman*.  
*Curia*: The Marriage will not put her  
in

in a worse Condition than she was in before ; and held she continued her Settlement, notwithstanding her Marriage.

*The King and the Parish  
of Highworth.*

An Order of Sessions to pay *William Giles* and *Mary* his Wife, three Shillings per Week.

*Objected*, Not said they are impotent and unable to maintain themselves ; quashed. 1 *Keb.* 489. 2 *Keb.* 537, 643, 744. *Pasch.* 1 *Geo.* The *King and Gully.* 5 *Mod.* 197.

Hill. 1716.

*The Parish of St. Mary's  
in Reading and New-  
bury.*

A Poor Person is bound an Apprentice voluntarily to a Person of the Parish of *Newbury*, no Justices Hands being put to the Indenture; the Sessions held it no Settlement for Want of it. *Curia econtra*: The Statute only extends where a poor Child is put out in a compulsory Way; but here it is by Consent, and so the Statute does not extend to it.

Pasch.



Pasch. 1717.

*The King vers. Barnes.*

THE Justices at Sessions in *Wiltshire*, make an Order to inforce *Barnes* to take to his Apprentice a poor Child bound out an Apprentice by the Parish. *Barnes* assigned him over to another Person, and the Justices adjudge the Assignment to be a void Assignment.

*Curia:* The Justices cannot try an Assignment, a private Right, in such a collateral Manner, it being a Matter of private Concern, which must be tried in a civil Action; and though it cannot pass as an Assignment, yet it will enure by Way of Covenant and Contract between the two Masters to serve the latter. No Inconvenience will ensue; for if the other is a better Master, then it is for the Advantage

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tage of the Apprentice : If worfe,  
then an Action of Covenant will lie  
againſt the firſt Maſter. Vide *Salk.*  
*Tit. Apprentice.*

*The Pariſh of St. Andrew's  
and St. Bride's.*

A poor Perſon with his Family is  
ſettled at *St. Bride's*, his Wife after  
leaves him and marries with *A. B.*  
and had ſeveral Children by him,  
the Juſtices ſend the Woman and her  
Children to the Pariſh of *St. Bride's*,  
where the firſt Huſband was ſettled,  
and the Matter was found ſpecially,  
and ſet forth in the Order that they  
had not ſeen one another for ſeveral  
Years. The Court were of Opinion  
they were Baſtards, and quaſhed the  
Order as to the Children being ſent  
from *St. Andrew's* to *St. Bride's*. Vide  
*Salk. Tit. Baſtardy.*

*Paſch.*

Pasch. 1717.

*The Parish of Southfidnam  
and Lamerton.*

**J**OH<sup>N</sup> Stiles possessed of a Lease for Years dies Intestate, if the next of Kin shall be said in Law to be settled there. Held not; he has only a Right, which he must pursue by taking out Letters of Administration; but no Right is settled or vested in him till an actual Taking out.

2. A. takes a Lease for sixty Years, If three Persons live so long, paying seven Pounds *per Annum*, but really worth thirteen, lying in two Parishes, seven Pounds in one, and six in another. Held the Party gained a Settlement notwithstanding they lay in two Parishes; for the End of the Act is the Renting of an Estate of 10*l.* *per Annum*, which does require some Substance;



stance ; and if the Person does rent 10 *l.* *per Annum*, the Statute is satisfied.

## *The Parish of Horton and Houghton in Staffordshire.*

A Person hires himself for eleven Months, then goes to his Father for a Week, after that comes to his Master again, and hires himself for another eleven Months. *Quere*, If it gains a Settlement.

*Parker* thought it a Fraud to elude the Statute ; *Prat* doubted, and whether this Mischief ought not to be redressed by the Legislature : Here is no Hiring for a Year. *Adjournatur.*

*The Parish of St. Mary  
Cole-Church, and the  
Hamlet of Radcliff.*

One *Goulston* an Apprentice to one *J. S.* a Seafaring Man; who lived in the Parish of *St. Olaves Jury*; the Apprentice lived with his Master three Months, but always lodged a Ship-board; out of the Parish. *Prat* Justice: It does not appear that he was sent by his Master to watch a Ship-board, if it had, it had been carrying on his Master's Business, and continuing in his Service, and doing his Duty.

The Court adjudged he was not settled in the Parish. There must not only be an Apprenticeship, but a Residency, and a Man is deemed to be resident where he lodges.

*The Parish of St. Olaves  
Jury.*

A Person is bound Apprentice to a  
Cobler who lives in one Parish, his  
Stall in another. The Apprentice  
lived with his Father in a third, and  
held *per Curiam* he gained no Settle-  
ment as an Apprentice.

Mich. 1717.

*The King versus Inhabi-  
tants of Westwoodhay  
in Berkshire.*

A Complaint is made by the Officers  
of *Westwoodhay* to one Justice of  
Peace ; and then two Justices adjudge  
and remove; and held well: Other-  
wise, where one Justice sets his Hand  
to the Order in the Absence of the  
other.



other. A Person is hired *Saturday* after *Michaelmas-day*, which was on the *Thursday* before, adjudged no Settlement, there being a Day wanting, and so no Hiring for a Year. Counsel *Mr. Tirrel*.

*Pasch. 1718.*

Counsel moved to quash an Order of Sessions: Two Justices send a Family to another Parish, who appeals; the Sessions vacate the Order: The Sessions Order began thus, Upon an Appeal from an Order of two Justices, that removed J. S. and his Family from one Parish to another. *Object.* Not appear, who it was that appealed; and if so, *non constat* the Justices had Authority in this Matter, unless it appears, the Appellants were Officers or Inhabitants of the Parish. Let them shew Cause: But note; in

*Trinity* Term following the Order was confirmed, it being the common Form.

## *The Parish of Ivingoe and Solebury in Bucks.*

A poor Man is hired to one *Knight*, who rented a Farm in *Ivingoe*, and lived Half a Year: The Master assigns the Farm over to another; the Servant lives the Residue of the Year with the other Person in the Farm, and at the End of the Year receives the Wages of the second Master; and if this made a Settlement, was the Question.

*Curia*: The Act says; There must be a Hiring for a Year, and a Service for a Year, which is done in this Case with another Person: The Question will then be, If it shall be deemed the same Service; here is no new Contract. *Prat*: If a Master commands

commands his Servant to live with another for a certain Time, 'tis a Service to the first Master; and here being no new Contract, 'tis Carrying on the Service of the first Master; and compared it to the Case of *Castor* and *Eccles*, cited in *Salkeld*. The subsequent Master paying his Wages did not alter the Case; for the Contract not being destroyed, he might have brought an Action against the first Master: *Tota Curia accordant.*

### *The King versus Bouen.*

The Defendant being Overseer of *Westbury* in the County of *Wilts*, and his Accounts being allowed and confirmed; several Years after the Parish appeals against his Accounts.

*Curia*: The Act of Parliament being silent as to the Time, the Parish may appeal at any Time.



*The King versus Litton.*

Upon Complaint of the Overseers,  
That his Daughter was deserted and  
impotent: The Justices adjudge and  
award the Father to pay her so much  
*per Week.* *Obj.* No Adjudication,  
That she was impotent, only in the  
complaining Part of the Order; and  
the Order was quashed.

*The King versus Inhabitants of Packworth.*

A Person is sent by an Order to a  
Parish, the Parish appeals; and the  
Order is confirmed. *Curia:* This is  
conclusive, and the Parish can't send  
the Family to another Parish.

Stamford

## Stamford Baron *and* Woolston.

A. comes into *Peterborough* ; the Justices send him to *Woolston* by Pass, saying he was settled there ; two other Justices send him back to *Peterborough*. Held, the two first Justices err'd by sending him by Pass ; it appearing he had a Settlement ; but that did not justify the former Error : For where a Person is removed, it is by an Authority in a judicial Manner ; they may send him forward, but not to the same Place again.

## Gramborough *and* Murs- ley *in* Bucks.

A poor Woman as next of Kin is intitled to a Leasehold Cottage, worth about twenty Shillings *per Ann.* Her

Husband takes out Letters of Administration in Right of his Wife ; and held, it gain'd a Settlement : So likewise if he had purchased, it had there been no Fraud.

Mich. 1718.

*The Parish of St. Nicholas  
and St. Clements.*

THE Order ran thus : That J. S. has lately intruded himself, and is likely to become chargeable. *Per Curiam* : No Adjudication ; but Recital and Complaint.

*The Parish of Sizeton and  
Beeston.*

To remove a Man and his Family ; void for the Incertainty. 2. *Obj.* Who was last legally settled in *Beeston*, is  
in



in the Pretertense : Not appear when ;  
but over-rul'd, and held well.

## *The King ver. Inhabitants of Hales Hol. in Salop.*

The Justices discharged an Apprentice at the Sessions, he having the *King's Evil*. *Curia* : The Justices have no Power to discharge an Apprentice from his Master in Case of Sicknels ; only an Authority to inquire into Misbehaviour.

2. *Obj.* Not appear one of the Justices, that sign'd the Order, was of the *Quorum* : *Respond.* There is one always of the *Quorum* at the Sessions. *Non constat* that one was of the *Quorum*, that sign'd the Order : Notwithstanding one might be of the *Quorum* at the Sessions ; a good Objection *per Curiam*.

3. Not appear it was inrolled at the Sessions as the Statute directs :

A good

A good Objection by *J. Fortescue*; and the Sessions Order was quash'd.

*The Parish of St. Bride's  
and St. Saviour's.*

*J. S.* was bound an Apprentice to *A. B.* of *St. Bride's*, who was a Lodger and had no Settlement there. *Per Curiam*: The Apprentice is well settled there; notwithstanding the Master is not; nor does his Settlement depend upon his Master, as that of a Wife on her Husband; but he gains a Settlement for himself within 13 & 14 *Car. 2.* by forty Days Inhabitation.

Hill.

Hill. 1718-19. B. R.

Westwoodhay *ver.* Comb.

A Person is examined by one Justice and removed by two, who put their Hands to the Order; and the Court held it well.

*The CASE.*

A poor Man is hired on *Saturday*, *Michaelmas*-Day being *Thursday* before, to serve him from the said *Thursday* to *Michaelmas* following; now if this gained a Settlement. *Prat* Ch. Justice held not: How can one be said to serve a Man from a Day that is past; there must be a Hiring first, and a Service pursuing that Hiring, Justice *Powis* and *J. Fortescue* accordant. And afterwards in the same Term,



Term, the Order was quashed, and that it gained no Settlement.

**De Termino Pasch. 1719.**

*The Parish of Burclear and Eastwoodhay ; ante.*

**A***Braham Hacket* comes with a Certificate into the Parish of *Eastwoodhay*, and afterwards marries one *Sarah Smith*, and had several Children by her. Her Father surrenders a Copyhold Estate to her of 20 s. *per Annum*, and so the Husband had it in her Right. *Per Curiam*: The Man has gained a Settlement in *Eastwoodhay*; for a Man cannot be turned out of his own, let it be never so small. And *per Fortescue*, the Party here could not be removed; and not removable, and gaining a Settlement are the same Thing; and he cited the Case of *Ricelipp* and *Harrow*, where Half an Acre

Acre of Land in his own Right gained a Settlement. Then it was objected that the Person being a Certificate Person by the Statute of the 9th and 10th of King *William*, he gains no Settlement unless he rents a Tenement of 10*l.* per *Annum*, or exercises an annual Office. And that Statute being an explanatory Act, it cannot be taken farther than the Words are; but the Court thought it no explanatory Act, but a new Law; and therefore every Thing that is in the same Mischief, though not within the Words, is within the Meaning of the Statute: Besides, the Act of Parliament never designed to put a Certificate Person in a worse Condition than another.

Trin.

Trin. 1719.

*Alderbury and St. Edmonds in Sarum.*

A Poor Child born of a travelling vagrant Woman in the Parish of *Alderbury*, whose Parents are unknown, is brought into the Parish of *St. Edmonds*, who remove him to *Alderbury*. The Sessions quashed the Order for Form, which Order is removed into the King's Bench.

*Object.* The Order don't judge that he is chargeable, only in the reciting Part of the Order. *Respons'*: There is no Occasion, the Thing speaks itself; impossible it should be otherwise: A Child of four or five Days old, and whose Parents are unknown. *Curia*: There must be an Adjudication; possibly a Person out of Charity may relieve him. The Order of Sessions



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Sessions was confirmed. Vide 1 *Salk.*  
475. 2 *Salk.* 485.

### *The King ver. Munday.*

A Son-in-Law is obliged by an Order to maintain his Wife's Mother, having an Estate with her at the Intermarriage. *Per Curiam*: He is not within the Words of the Statute, nor within the Meaning of it, the Statute extending to those Persons only who ought by the Law of Nature, to relieve their Parents; and some Persons were so hard-hearted as to refuse; therefore this Law was made to inforce them to do that, which by the Law of Nature they were obliged to before. Vide 2 *Bulst.* at the End.

New

## New Windsor *and* White Waltham.

A Person having several Children, goes with a Certificate to *White Waltham*, after has several more Children and then dies ; the Wife swears she was never married : Held *per Cur.* she could not be admitted as an Evidence to swear this Matter. 2. Admitting they were Bastards, yet the Certificate was an Estoppel and a Conclusion.

## Southmason *and* Coln St. Aldwyn's.

*John Charlwood* and *Sabina* his Wife is intruded and are likely to become chargeable to the Parish of *Coln St. Aldwyn's*. Obj. by Counsel, this Order is void for the Incertainty ; *non constat* which of them intruded, and  
2 there

there must be an actual Intrusion; but the Court over-ruled the Objection. It is necessarily intended that the Wife is there where the Husband is: Besides, the Words are *likely to become chargeable*, which is impossible from its Nature, but that they are in the Parish; for otherwise how can they be said to be chargeable. *Prat* Ch. Justice doubted whether an Intrusion was absolutely necessary or no; the Likelihood to become chargeable supplies it.

L

De



*De Termino Stæ. Trinitatis, 1720.*

*Inhabitants of Eglesbury  
ver. Northfetherwin in  
Cornwal.*

**T**WO Justices remove a Man and his Family, adjudging they were last legally Settled in *Northfetherwin*, in regard they lived there ten Years as a current Servant.

*Object.* Not appear there was a Hiring for a Year, as the Act appoints. *Prat* Ch. Justice held the Objection fatal. *Fortescue* Judge: The Justices have no Occasion to give any Reason; but if they do give one, and that Reason is not agreeable to Law, the Order is then void. Now for ought appears in this Case, the Hiring might and might not be for a Year. It must appear

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appear to be *ipso facto*, void upon the Face of the Order, and so he doubted.

*Object.* 2. That J. S. and his Wife lived as a current Servant: Whereas the Act says, *every unmarried Person not having Wife or Children, that comes to inhabit in a Parish.* *Curia:* It does not appear he was married at the Time of the Hiring: Might be married after. *Adjournatur.*

## *The King ver. Hawkins.*

An Order of Bastardy, not said in the Order the Defendant was summoned, or had Notice, or was heard. *Curia:* Not requisite where the Order is made by two Justices; otherwise had it been originally made at Sessions.

Adjudged *per Curiam*, That Serving the Office of Collector of Births and Burials, gained a legal Settlement.

Hill. 1720.

*St. Katharine's Coleman-Street, and Whitechappel.*

THE Order removes *Elizabeth Dyke*, and her three Children, setting forth that *Elizabeth* was the Widow of one *Abraham Dyke*, deceased, settled in *Whitechappel*. Object. Not appear they are *Abraham Dyke's* Children. Curia: The Children are under Seven Years of Age. Besides, we will not presume they had another Father, in regard their Names are said to be *Dykes*. The Order confirmed.

Pasch.



Pasch. 1721.

*The King and Inhabitants  
of Icelip Oxon.*

A Person is hired for a Year, and in the Year's Service his Master gives him Leave to go and see his Mother for one Day, and he tarried three Days, and then came home again ; his Master took him into his Service as before. *Per Curiam* : The Master's Taking him again is the Purgation of the Offence, and no Interruption of his Service.

2. Three or four Days before his Service expired, he desired Leave of his Master to go to a Fair to hire himself into another Service ; but his Master absolutely refused to let him go, and told him he should not come into his House again, if he went : The Servant went notwithstanding ; and

his Master declaring he should not come into his House again, he did not return until the Time of his Service expired

*Per Curiam:* This is a Settlement notwithstanding; the Request of the Servant is a reasonable Request, and the Law will not suffer a Master to shew himself so inhumane to his Servant.

A Master cannot turn off his Servant two or three Days before the Year expires, if he does the Service in Point of Law continues, and he gains a Settlement notwithstanding; and so adjudged.

*St. Peter's in Dover, and  
the Parish of Ash in  
Kent.*

The Port and Town of *Dover* have Justices of their own, who remove a Family from *St. Peter's in Dover* to *Ash*. *Object.* Not appear the Parish of *St. Peter's* is within their Jurisdiction. Solicitor General: *Dover* is inserted in the Margin, and therefore must be intended they had Jurisdiction and Authority. *Curia:* 'The Justices here have a limited Jurisdiction, and a restrain'd Power, and therefore cannot be intended they had Jurisdiction, unless it appears they had upon the Face of the Order. Quashed for this single Objection.



*De Termino sanctæ Trinitatis, 1721.*

*M*Andamus prayed to be directed to the Justices of Nottingham to appoint Officers in a Place called *Rofam*, an extraparochial Place situate in the Forest of *Sherwood*, and granted; for the Statute of 13th and 14th of King *Charles II.* has given the Justices Power to intermeddle in Places that are extraparochial; and if they have such Power, then the Court of King's Bench has Power to inforce them to put it in Execution. Counsel Mr. *Pacey*.

*Descriptio Villæ.*

*Villa est ex pluribus mansionibus vicinata & collata ex pluribus vicinis.* Every Place shall be intended a *Vill*, unless the contrary be shewn.

*D'nis*

## *D'nus Rex versus Beale.*

The Defendant was chosen Constable at the *Leet*, afterwards applies to the Sessions, setting forth he was Borsholder at the same Time, and so the Sessions discharged him and appointed another in his room. *Object.* by Mr. *Brampston*, that a Constable is eligible at the *Leet*, and the Justices at Sessions have no Power to intermeddle but where the *Leet* has not elected one, or where the *Leet* has not been kept as usual, and cited 1 *Bulst.* 174. *Moor* 845. 1 *Lev.* 233. *Salk.* Tit. *Constable.*

Then the Serving the Office of Borsholder will not alter the Case, unless those two Officers are incompatible; and if they are, the Constable may make a Deputy, as it was resolved in 1 *Lev.* 233. and so no Excuse. *Cur.* Let him shew Cause; and afterwards,

terwards it was moved again the Beginning of *Michaelmas* Term, and the Order was quashed, for the Reasons above.

De Termino *Sti. Hillarii*,  
1721.

*D'nus Rex ver. Emmery  
Ruth.*

UPON Complaint made to the Quarter-Sessions that his Son, *Valentine Ruth*, his Wife and Family were impotent and unable to maintain themselves, this Court does order the said *Emmery Ruth*, to pay them four Shillings *per Week*. Objected by Counsel, Not appear he was resiant, and did live in the County. The Charge is Personal, and the Justices had no Power over him, unless he lived in the County. Let them shew Cause.

*Note ;*



*Note* ; an Affidavit was made that he lived in another County ; but I think not read.

*St. Mary's in Guilford,  
and Cranley in Surry.*

A Person rents a Mill of 10*l.* *per Annum*, who assigns the Lease over to the Person who is now removed, during his Will, as long as he paid him his Rent ; he continued two Years, and punctually paid the Rent, and the whole Court were of Opinion it was a Settlement. *Quod nota.*

*Parker*, when Ch. Justice, delivered this for Law, and it was the Case of *Camberwell* ; Renting a Tenement of 10*l.* *per Ann.* for a Month, is a fraudulent Renting ; but if a Person rents a Tenement of 10*l.* *per Annum*, and continues forty Days, he gains a Settlement within the Meaning of 13  
and

124 *Cases and Resolutions adjudged*  
and 14 of King Charles the Second.  
*Quod non fuit negatum.*

Hill. 1721-2.

*Barnesley and Ampney-*  
*crucis in Gloucestershire.*

*William James* was born at *Barnesley*, and bound out Apprentice at *Minchinpampton*, but lived not forty Days by Virtue of his Apprenticeship, and afterwards he hired himself for a Year at *Ampney*, his Master having turned him away, and throwed a Paper into the Fire which he declared was the Indenture.

Counsel urged : It does not appear it was the Indenture ; it is only Evidence, the Fact is not found ; and if so, then he was not *sui Juris* to hire himself any where, and consequently his Hiring void ; to which the Court agreed ; and farther said here is only  
Evidence

Evidence the Fact itself that it was, the Indenture is not found. *Powis* Judge: Admitting the Indenture was burnt, the Contract is not destroyed; the Justices might compel the Master to take him notwithstanding. *Adjournatur.*

*Pasch. 1722.*

A Person comes into a Parish, and marries a Daughter of a Copyholder who died seised; the Tenement afterwards is blown down, and then the Family is removed by an Order of two Justices to the Parish from whence they came; the Justices at Sessions adjudge them settled in the Parish where the Copyhold was. *Mr. Werg* objected, It is not said the Wife had any Right in the Copyhold, or that the Husband lived upon it for forty Days. *Curia* held it ill for that Reason. *Quod nota.*

*The*



*The Parish of Obie and  
Lingsbury.*

The Order sets forth that *John Orleton* is intruded into the Parish of *Obie*, and is become chargeable: These to remove the said *John Orleton*, his Wife and Child. Counsel objected, Not appear his Wife intruded, or his Child not removable before: Let them shew Cause.

Trin. 1722. B. R.

*The Parish of St. Peter's in  
Oxford and Fawley.*

THE Case: *Dr. Clavering's* Sister lived with him at *Christchurch* in *Oxford*, and hires a Servant for a Year, who was settled in *St. Peter's*; his Sister afterwards goes to *Fawley*  
2 upon

upon a Visit, and she with her Servant staid there above forty Days, and afterwards came back again to *Christchurch*, being an extraparochial Place, where the Servant ended the Year's Service. *St. Peter's* send her to *Fawley*, *Christchurch* being an extraparochial Place; and the Court held she was settled at *Fawley*, being the last Place she lived forty Days in; she could not by Law be sent to *Christchurch*, being an extraparochial Place, unless there had been Officers to receive her, which they had not at present.

*The Inhabitants of Lambeth versus Faircloth, Lessee of Dr. Ibbotson.*

The Doctor agrees with several of the Parishioners to take so much for his Tithes, and makes a Lease to *Faircloth*; the Doctor is rated for the  
Tithes

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Tithes to the Parish Levies, who appeals ; and the Matter being found special, the Question was who shall be said to be the Occupier, the Doctor's Lessee, or the Inhabitants.

*Per Cur.* The Lessee must be said to be the Occupier, in regard there is no certain Time limited for how long, but only from Year to Year ; and *per Judge Eyre*, the letting of them is in Nature of a Sale, and the Party looked upon as Vendee ; no Manner of Advantage is given to the Inhabitants, for they give the full Value for their Tithes ; otherwise had it been a Contract for Years.

*The King ver. Inhabitants  
of West-Horsley.*

The Master turns away his Servant a Day before *Michaelmas*, hired the *Michaelmas* before for a Year ; so there is a Hiring for a Year, but wanted a  
1 Day's



Day's Service to compleat it. *Per Curiam*: The Master cannot turn away a Servant to defeat a Settlement; his Service continues notwithstanding, and held it was a Service for a Year: Counsel Mr. Bonwick.

### *The Parish of Oby and Linsbury, ante.*

The Order sets forth that *John Orlton* is intruded into the Parish of *Oby*, and is become chargeable, which the Justices adjudge: These are to remove the said *John Orlton*, his Wife and Child, to the Parish of *Linsbury*. *Object*. The Justices have removed more than is complained of; neither does it appear the Wife and Child intruded themselves. *Curia*: The Intrusion of the Husband is, by a Consequence of Law, an Intrusion of the Wife; they are *una caro* and cannot be separated, and the Settlement

K

ment

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ment of the Husband is the Settlement of the Wife and Child.

*Note*; This Objection had prevail'd, had it been in Case of a Servant, the Distinction being between Servants and a Wife. *Mr. Bowes Counsel.*

*The Parish of St. John's  
and Ampwell.*

A Certificate Person rents a Tenement of 14*l. per Annum*, the House at 4*l. per Annum* in one Parish, and 10*l.* in another, if this gained a Settlement, not being all in one Parish, in the Case of a Certificate Person, upon the Construction of the 9th and 10th of King William. The Court held the same Reason holds, as in the Case of *South-Lamerton*, Trin. third Year of King George, where a Person rented a Tenement of 10*l. per Ann.* in two different Parishes, and that the  
Law

*in the Court of King's Bench.* 131

Law never designed to put a Certificate Person in a worse Condition than another.

Pasch. 1722.

*The King versus Inhabitants of Shellingham in Norfolk.*

THE Order removes a Family from *Shellingham*, in the County of *Norfolk*. Not appear that *Shellingham* was in the County of *Norfolk*; but *Norfolk* was in the Margent. The Court held the Objection fatal: The Difference is between civil and criminal Prosecution: It must appear the Parish is in the County, from whence the Family is remov'd.



Mich. 1722.

*The Parishes of Horsham  
and Old Fishstreet in  
London.*

**A** Woman and her Child are intruded : Not appear but the Child is a Bastard. Over-rul'd.

Likely to become chargeable; but not said to what Parish. *Prat* Chief Justice and the whole Court: It must be necessarily intended to the Parish, where the Intrusion was; and the Objection over-ruled.

*The*

*The King and the Inhabitants of St. Peter's in Marlborough.*

The Justices of the Borough of *Marlborough* at their Quarter-Sessions, make an Order for the Parish of *St. Peter's* to pay fifty Pounds for the Relief of the Poor of *St. Mary's* in the same Borough.

*Obj.* The Sessions have no original Jurisdiction by the 43d of *Queen Elizabeth*: The two Justices must first make an Order.

*Mr. Werg econtra.*

It does not appear, whether it was at Sessions or before two Justices: The Caption is at the Sessions: The Order recites, before us two of his Majesty's Justices of the Peace for the Borough aforesaid. Take it to be at the Sessions, then 'tis void for Want of Jurisdiction. Take it to be before

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two Justices of the Peace, then 'tis void ; not appearing the Parish of St. Peter's is within the Hundred.

Note another Objection ; It did not appear the Parish of St. Peter's was of Ability. *Vide 2 Bulstrode 251, 252, 5 Mod. Rep. 397.*

The Order was quash'd *per Cur'.*

*Parish of St. John's in Lincoln and Great Marcum.*

A Woman and her Child are removed to the Parish of *Great Marcum*, as being the Settlement of her Husband deceased. Mr. *Werg* : They might have gained a subsequent Settlement since the Decease of the Husband. *Curia* : Let them shew Cause.



*The Parish of St. John in  
Hartford and Ampwell.*

A certificate Person rents fourteen Pounds a Year ; but it lies in two Parishes. *Curia* : It gains a Settlement, and in the Parish where he resides.

*The Parishes of St. Giles in  
Reading, and Eversly  
Black Water in South-  
ampton.*

*The C A S E.*

One *Chesterman* is born at *St. Giles's*, after goes an Apprentice to a Person in *Eversley*, where he liv'd above forty Days ; but his Master failing in the World he came back to *St. Giles's*, and married, and had two Children there ; he dies, and then the Order removes

his Wife and two Children to *Everfley*, and it appear'd they never were there.

Mr. *Reeve* urged, That a Birth gain'd a Settlement; and though in the Father's Life they might have been removed with their Father, yet after his Death they cannot; for how can they be said to be settled in a Parish where they never were; and cited the Case of the Parish of *Spittle Fields* and *St. Andrews Holborn*. *Pasch.* 12 of *King William*. An Infant (not known where his Friends were settled) settled where he was born. *Vide Raym.* 476.

*Powys* and *Prat* seem'd to concur. *Eyre* Judge: By a Consequence of Law, the Settlement of the Father is a Settlement of his Wife and Family. Judge *Fortescue*: Birth gains no Settlement, but where the Settlement of the Father is unknown: *Adjournatur*.

*The King versus Mitford  
Clerk.*

*An Order of Bastardy.*

The Order of *William Glyn* and *Joseph Syllly*, two of his Majesty's Justices of the Peace residing next to the Parish-church of the Borough of *Bodmin*.  
*Obj.* A Borough may have several Parishes. *Curia* : The Words shew the Borough and Parish to be but one : And the Case of the *King versus Mems* was cited *Hill. 8. of Queen Anne*. Moved to quash an Order of Bastardy ; not said the Child was chargeable to the Parish, but to an Hamlet. *Curia* : If it was a Hamlet that maintain'd its own Poor, it had been good ; but this not appearing, it was quash'd. Counsel *Mr. Cruise*.

*Hill.*



Hill. 1723.

*The Inhabitants of Cutherton and Hunder Twayt in Yorkshire.*

**T**HE Order removes a Man and his Family. *Obj.* by Mr. Raby: Not appear the Place, whence the Family is remov'd, was within the County. The County being in the Margin but not in the Body of the Order: Quash'd. And there was cited the Case of the *King* versus *Dobins*; not appear the Place where the Fact was committed was within the County.

Pasch.

Pasch. 1723.

*The King and the Inhabitants of Carlton.*

A Poor Person is remov'd from *A.* to *B.* the Order is quash'd ; afterwards *A.* sends him to *D.* the Order is likewise quash'd ; afterwards the Parish of *A.* sends him to *B.* again, and mov'd to quash it. *Mr. Werg :* Here is three Months intervening from *August* to *December* following. *Econtra* was cited the Case of *Barrow* and *Engleby* ; where there was nine Months intervening from the Time of the first Removal, and quash'd ; the Court not intending there was any subsequent Settlement, *ad quod Curia concessit* ; and the Order was quash'd.

Inter

## Inter *the Parish of St. Olave's Southwark and All-Hallows.*

A. is bound Apprentice to B. who lives in *St. Olave's*, afterwards his Apprentice by his Master's Consent, lives with another Person in *All-Hallows*.

*Per Curiam* he gains a Settlement in the last Place; for a Person may serve his Master in another Place or Parish; and although he serves another Man, yet 'tis by Consent of his Master, and the Benefit accrues to his Master. Counsel Mr. Borret.

## Eleanor Conred's Case.

She landed at *Harwich* from *Holland*, and removing to another Parish was sent back to *Harwich*. *Obj.* Landing makes no Settlement. *Curia*: You must



*in the Court of King's Bench.* 141

must keep her where you have her,  
'tis *Casus omissus* out of the Act of  
Parliament. The Order quash'd.

Pasch. 1724.

*The King ver. Inhabitants  
of Shipton Curry.*

A Master takes an Apprentice; the  
Master runs away: The Ap-  
prentice hires himself for a Year, and  
serves the Year. *Per Cur.* He gains  
no Settlement, not being *sui juris*, nor  
of a Capacity to hire himself; other-  
wise, had it been by Consent of his  
Master, or had his Indenture been  
cancell'd. *Curia*: The Justices can't  
order an Executor to take an Appren-  
tice. An Apprenticeship is a perso-  
nal Trust between the Master and  
Servant, and determines by the Death  
of either of them.

*De*

*De Termino sanctæ Trinitatis, 1724.*

*The Parishes of Ashbrittle in Somerset, and Wyley in Wilts.*

ONE *Kemp* a poor Person lives in a Cottage for thirty Years and upwards, dies leaving one Daughter, who afterwards married to one *Burroughs*, who immediately enter'd, and after sold it for twenty-four Pounds; but before Sale, the Man and his Wife continued three Quarters of a Year in quiet Possession; it was likewise said in the Order, The old Man before his Death left three Guineas to buy a Term in the Cottage of the Earl of *Pembroke*: The Justices at the Sessions adjudge him settled in *Wyley*; and the Court of King's Bench inclined

I

clined to be of the same Opinion, no Fraud appearing ; though objected *contra*, There was no Title appear'd, it might for ought appears be a Lease at Will : *Adjournatur*.

*Dominus Rex versus Godfrey.*

An Order of Bastardy quash'd : Not said, the Child was born in the Parish. Counsel : It is said *chargeable to the Parish*, which implies it. *Curia* : So it may by being left there, tho' perhaps born elsewhere. Quash'd *per Curiam*.

Trin.



Trin. 1724.

*The Parish of Normington  
in Lincolnshire and Ed-  
lington in Northamp-  
tonshire.*

**M**Oved to quash an Order of two Justices : The Order removes the Wife of *John Stiles* late of *Normanton*. *Obj.* Not appear when that was ; it may be five or ten Years ago ; nor does it appear, the Wife was in the Parish at the Time of the Removal. *2d Obj.* Said *likely to become chargeable* ; not said *to what Parish*, nor *where* ; may be it may to her Husband. *Curia* : Let them shew Cause.

Trin.

Trin. 1724.

*The Chapelry of St. James  
in the Parish of Bishop's  
Cannings versus Inhabi-  
tants of St. John's in the  
Devises in Com' Wilts.*

ONE *Joseph Warren* is bound App-  
rentice to *John Powell* of St.  
*John's* Parish in the *Devises*, Hosier.  
The said *John Powell* having a small  
House, the Father was to find Meat,  
Drink, Washing and Lodging; the  
Master allowing 2 s. 6 d. per Week:  
The Apprentice never lodged with his  
Master at St. *John's* Parish, but with  
his Father in *Bishop's Cannings*. Held  
the Apprentice gain'd no Settlement  
in St. *John's* Parish by Virtue of the  
Apprenticeship with his Master in Re-  
gard he never lodg'd in the Parish for  
L the

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the Space of forty Days: The like Resolution was between the *King* and the *Inhabitants* of *Cirencester*. A bound an Apprentice to a Butcher in *Cirencester*, liv'd with his Father for the first six Years, and then came and lived with his Master up and down for three Quarters of a Year. *Obj.* Not appear he lived forty Days with his Master. *Curia:* 'Tis set forth he was up and down three Quarters of a Year with his Master; so Room to intend he was resident forty Days.

Hill. 1724.

Moyer Hanger *and* Warden *in* Bedfordshire.

THE Order is quash'd for Form at the Sessions, which is a good Order; after they send the Party back; yet the Order being good, it is final, and a Bar to all subsequent Orders.

*The*



*The King versus Collingborn.*

The Justices discharge an Apprentice from his Master being a Glazier, for Cruelty. *Obj.* 'Tis not a Trade mentioned in the Statute, and so not within their Jurisdiction. Let them shew Cause.

Trin. 1725.

*Rex versus Inhabitants of King's Langley.*

**A**N Infant of two Years old can't be a Vagrant: It appear'd likewise who is the Father, and upon the Father's Evidence can't be a Vagrant where the Parents are known. The Order quashed.

## *Dominus Rex versus Venables.*

A Suppression for an Alehouse, and after he sells again: The Justices committed him for three Days, and until he found Sureties. Objected by Counsel to the Conviction: No Summons set forth. *Curia*: Not necessary; and the Conviction confirm'd.

## *Rex versus Austin.*

An Order of Suppression of an Alehouse: The County in the Margin, but not in the Body of the Order, ill, and quash'd: Good in civil Causes, not in criminal.

Pasch.

Pasch. 1726. *Duodecimo*  
*Georgii primi.*

*The Inhabitants of St. Peter's and St. Mary's in the Borough of Marlborough.*

**A**N Order by the Justices of the Borough for the Parish of St. Peter's to pay to the Officers of St. Mary's the Sum of twenty Shillings weekly, until we the said Justices shall see fit to order to the contrary.

1 *Obj.* Not appear the Parish of St. Mary's is overburthen'd with Poor ; but over-rul'd : The Order follows the Words of the Statute.

2 *Obj.* Said they are Justices of the Town and Borough. It appears upon the Order, the Parish of St. Mary's is within the Borough but not



within the Town and Borough. *Cur.*  
They are Justices of both.

3 *Obj.* Until we shall see fit to order the contrary. The Act of Parliament never gave the Justices such an Authority; 'tis in Effect making a perpetual Order: For if one of the Justices die or be removed, no other Justice can alter it, 'till we the said Justices shall see fit to alter. Quash'd *per Cur.* for the last Objection.

Trin. 1726.

*The King and the Inhabitants of Whitchurch.*

A Person is bound Apprentice to a Gentleman, who made Use of him as his Huntsman; he lived with him three Quarters of a Year, and then ran away.

*Curia:* Here is a Living for forty Days; and so the Person gains a Settlement.

tlement. *Obj.* He serv'd a Gentleman, and consequently no Trade. *Curia*: He is bound out as an Apprentice; the Master may make Use of him in what Manner he pleases; and *per Curiam* held a Settlement accordingly.

## Rex *versus* Inhabitants of Portsmouth.

The Order was drawn up specially for the Direction of the Court: The Words were, *Hir'd as a weekly Servant.* The Court said, they could not judge what the Import of the Word was, & *nihil factum: Adjournatur.*

**Mich. 1726.**

*The King and the Inhabitants of Chilmarton.*

**T**HE Sessions have no original Power to appoint Overseers. They appoint two of the Inhabitants: Not said *substantial Inhabitants* as the Statute directs; and quash'd *per Cur'*.

The Parish of *Honiton* the same Objection.

**Hill. 1727.**

**A** House converted into a Conventicle, and used for no other Purposes, if ratable to the Poor's Tax. *Curia*: Never knew it; let them shew Cause: And after, the Order was quash'd.

The



The Justices make an Order for *John a Stiles* to pay a Sum of Money to the Parson and Overseers of such a Parish. Objected by Counsel : It may be a Charity left for a particular Purpose, in which the Justices have no Power to intermeddle, *ad quod Curia concessit : Adjornatur.*

Mich. 1727.

*The King versus Street.*

**A**N Order of Bastardy which adjudges the Defendant to be the Father, and orders the Sum of one Shilling to be paid weekly for its Maintenance, until the Bastard shall be nine Years old. *Obj.* The Child may not be chargeable so long ; should be as long as the Child is chargeable. *Curia :* It has been held good of later Years : 'Tis impossible he should be otherwise

otherwise at the Age of nine Years ;  
and the Order was confirm'd.

*The Parish of St. Buddolph  
without Aldgate.*

This Parish extends into two Counties ; and in Regard it did appear, That each Part of the Parish had distinct Officers, and made distinct Rates, and had used Time out of Mind to make distinct Accounts to the Justices ; the Court held each Division a distinct Parish, and order'd it accordingly. *Raymond's Reports* 476, 477.

*The*

*The King versus Boyce a  
Justice of Peace in Mid-  
dlesex.*

The Court was mov'd for an Information against him for a Misdemeanour in his Office; but the Court refused to grant it; the Fact with which he was charged being done above a Year; should have mov'd it before. *Quod nota.*

*Inhabitants of St. Giles's in  
the Fields, and the Pa-  
rish of Pottern in the  
County of Wilts.*

The Parish of *Pottern* remove *Jona-  
than Haselden*, his Wife and seven  
Children to the Parish of *St. Giles* in  
the Fields. The Parish of *St. Giles*  
send



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send them back to the Parish of *Pottern*, without ever appealing to the Quarter-Sessions, as they ought ; the Order of the two Justices being a Judgment which continues of Force till set aside upon the Appeal : Both the Orders were remov'd into the King's Bench, and the Court confirm'd the *Pottern* Order, and quash'd the *Middlesex* Order for the Irregularity : And because several Objections were taken to the Justices Order, and all over-ruled, I have recited the Order *verbatim*.

‘ *Wilts*, ss. To the Church-wardens  
‘ and Overseers of the Poor of the  
‘ Parish of *Pottern* in the County of  
‘ *Wilts*, and to any or either of them :  
‘ These to execute : *Whereas* Com-  
‘ plaint hath been made by you  
‘ the Church-wardens and Overseers  
‘ of the Poor of the Parish of *Pot-*  
‘ *tern* in the County of *Wilts* unto us,  
‘ whose Hands and Seals are hereunto  
‘ set,

‘ set, two of his Majesty’s Justices of  
‘ the Peace, *Quorum unus*, for the said  
‘ County of *Wilts*, That *Jonathan*  
‘ *Hafelden*, *Mary* his Wife, *James* of  
‘ the Age of nine Years or there-  
‘ abouts, *Samuel* of the Age of five  
‘ Years or thereabouts, *Richard* of  
‘ the Age of three Years or there-  
‘ abouts, *Jonathan* of the Age of  
‘ two Months or thereabouts, their  
‘ Sons; *Winefrid* of the Age of four-  
‘ teen Years or thereabouts, *Mary* of  
‘ the Age of twelve Years or there-  
‘ abouts, *Susanna* of the Age of one  
‘ Year or thereabouts, their Daugh-  
‘ ters, have lately intruded themselves  
‘ into your said Parish of *Pottern* in  
‘ the County of *Wilts* aforesaid, there  
‘ to inhabit as Parishioners, contrary  
‘ to the Laws relating to the Settle-  
‘ ment of the Poor, and are there  
‘ now become chargeable. And where-  
‘ as, upon due Examination and In-  
‘ quiry made into the Premises by  
‘ us the said Justices, upon the Oath  
‘ of

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‘ of the said *Jonathan Haselden*, and  
 ‘ upon the Producing a Certificate  
 ‘ under the Hands and Seals of the  
 ‘ Church-wardens and Overseers of  
 ‘ the Parish of *St. Giles* in the Fields  
 ‘ in the County of *Middlesex*; by  
 ‘ which Certificate the said *Jonathan*  
 ‘ *Haselden*, *Mary* his Wife, and *Wine-*  
 ‘ *frid* their Child were acknowledged  
 ‘ and admitted to be Inhabitants le-  
 ‘ gally settled in the said Parish of  
 ‘ *St. Giles*, and to be Parishioners  
 ‘ there; whereby it appears unto us  
 ‘ the said Justices, and we do accord-  
 ‘ ingly adjudge, That the said *Jona-*  
 ‘ *than Haselden*, *Mary* his Wife,  
 ‘ *James*, *Samuel*, *Richard* and *Jona-*  
 ‘ *than* their Sons; *Winefrid*, *Mary*  
 ‘ and *Susanna* their Daughters are  
 ‘ become chargeable to your said Pa-  
 ‘ rish of *Pottern*, and that their last  
 ‘ legal Place of Settlement is in the  
 ‘ said Parish of *St. Giles* in the Fields  
 ‘ in the said County of *Middlesex*:  
 ‘ These are therefore in his Majesty’s  
 ‘ Name



‘ Name to order and require you the  
‘ said Church-wardens and Overseers  
‘ of the Poor of the said Parish of *Pot-*  
‘ *tern*, That you or some of you do  
‘ forthwith remove and convey the  
‘ said *Jonathan Haselden*, *Mary* his Wife,  
‘ *James*, *Samuel*, *Richard* and *Jonathan*  
‘ their Sons ; *Winefrid*, *Mary* and *Su-*  
‘ *sanna* their Daughters, from your  
‘ said Parish of *Pottern* to the Parish  
‘ of *St. Giles* in the Fields aforesaid,  
‘ and them deliver to the Church-war-  
‘ dens and Overseers of the Poor  
‘ there, or to some or one of them, to-  
‘ gether with this our Warrant or Or-  
‘ der, or a true Copy hereof ; where-  
‘ by the said Church-wardens and O-  
‘ verseers of the said Parish of *St.*  
‘ *Giles* in the Fields are likewise re-  
‘ quir’d in his Majesty’s Name, and  
‘ by Virtue of the Statutes in such  
‘ Case made, forthwith to receive the  
‘ said *Jonathan Haselden*, *Mary* his  
‘ Wife, *James*, *Samuel*, *Richard* and  
‘ *Jonathan* their Sons ; *Winefrid*, *Ma-*  
‘ ry

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‘ *ry* and *Susanna* their Daughters in-  
‘ to the said Parish of *St. Giles* in the  
‘ Fields, and provide for them as their  
‘ own Parishioners, until they shall  
‘ be otherwise discharged from them  
‘ by due Course of Law.

*Given under our Hands and Seals*  
*this present fourth Day of May,*  
*Anno Domini 1726.*

To the Church-wardens and Over-  
seers of the Poor of the Parish  
of *St. Giles* in the County of  
*Middlesex*: These to obey.

THE



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M

A. hir'd



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